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Anand Mohan Suri,

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CORRIGENDA

Part III, pages 133 and 135—On pages 133 and 135 in line one of the heading for the words 'Indian Parliament Act No. XXX of 1951' *substitute* the words 'The Constitution (First Amendment) Act, 1951'.

Part V, pages 49-52 – For folios of pages 49 to 52 of Bombay Act No. LXII of 1950, *substitute* folios 49*a* to 52*a*.

Part V, pages 53-56—For folios of pages 53 to 56, starting with the heading 'Bombay Act X of 1951', *substitute* folios 53*a* to 56*a*.

Part VII, page 69—On page 69 in the heading for the words 'Bihar Act VIII of 1951' *substitute* 'Bihar Act VII of 1951'.

PART II

Notifications-Central Government

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 11th November 1950.

MINISTRY OF REHABILITATION

New Delhi, the 27th October 1950.

S. R. O. 902.—In exercise of the powers conferred by Section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to make the following rules, namely :—

CHAPTER I

Preliminary

1. *Short title.*—These rules may be called the **Displaced Persons (Verification of Claims) Rules, 1950.**

2 *Definitions.*—In these rules—

(i) "the Act" means the Displaced Persons (Claims) Act, 1950 (XLIV of 1950);

(ii) "claimant" means a person whose claim has been registered under sub-section (2) of section 5 of the Act;

(iii) "form" means a form specified in the Schedule;

(iv) "legal practitioner" means an advocate, vakil or attorney of any High Court, a pleader or a revenue agent and includes any person who has at any time practised before any Court;

(v) "legal representative" means a person who in law represents the estate of a deceased claimant or on whom such estate devolves on the death of the claimant;

(vi) "proceeding" means the hearing of a claim under the Act for the purpose of its verification and includes all steps taken under the Act or these rules in pursuance of such a claim;

(vii) "Revising authority" means the Chief Claims Commissioner and includes any officer to whom the functions of the Chief Claims Commissioner under sub-section (3) of section 6 of the Act are delegated;

(viii) "Schedule" means the Schedule annexed to these rules.

3. *Additional powers of Claims officers.*—The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner and every Claims Commissioner and Claims Officer, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely :—

(a) to order the substitution and continuation of a proceeding by the legal representatives of a claimant in the event of his death;

(b) to order, with the consent of the claimants concerned, consolidation of proceedings in two or more cases, where the evidence on behalf of the claimants may be similar and common questions of law and facts are involved;

(c) to correct any clerical or arithmetical mistake or error in any order or proceeding arising therein from an accidental slip or omission;

(d) to review an order on any of the following grounds, namely :—

(i) the discovery of new or important matter or evidence which after the exercise of due diligence was not within the knowledge of or could not be produced by, the claimant at the time when the claim was verified; or

(ii) on account of some mistake or error apparent on the face of the record; or

(iii) for any other sufficient reason ;

(e) to order deposit of postal and other charges for the summoning of witnesses within a time to be specified.

CHAPTER II

Procedure for Verification

4. *Notice to claimants.*—At least fifteen days before the date of hearing of a claim, the Claims Officer shall cause to be sent to the claimant a notice in Form A informing him about the date of hearing.

5. *Appearance before Claims Officer.*—Subject to the provisions of rule 19 a claimant may appear before a Claims Officer either in person or through an agent duly authorised by him in writing to appear on his behalf :

Provided that where the claimant is a minor or other person under a disability, he may appear through a guardian or a next friend.

6. Where a claimant after a notice under rule 4 has been duly served upon him, fails to appear either in person or through a duly authorised agent on the date of hearing, the Claims Officer shall determine the claim *ex parte* :

Provided that the Claims Officer may on application made to him within sixty days of the *ex parte* order re-open the case if he is satisfied that there was sufficient cause for non-appearance of the claimant on the appointed date.

7. *Witnesses and assessors.*—(1) A party to any proceeding, who wants any witnesses to be summoned shall file a list of witnesses with their complete addresses and shall also deposit a sum of money sufficient to cover the diet money and travelling expenses of the witnesses. A list in duplicate of documents which any witness is called upon to produce shall also be filed.

(2) Summons to witnesses shall issue in form 'B' and summons to assessors in form 'C' of the Schedule and all the provisions of order XVI of the Code of Civil Procedure, 1908, shall, so far as may be, apply to such summons.

(3) Witnesses and assessors who attend any proceeding shall be paid diet money and travelling allowances—

(a) in the case of witnesses in accordance with the scale prescribed in this behalf for civil suits in the locality where the proceeding is being conducted ;

(b) in the case of assessors, in accordance with the scale prescribed for assessors in a Sessions case by the High Court of the State where the proceeding is held.

8. *Persons abroad or in Armed Forces etc.*—(1) A claimant serving in the Armed Forces or residing outside India may in lieu of appearing in a proceeding either personally or through an authorised agent make a statement on oath—

(a) in the case of a claimant serving in the Armed Forces, before the Commanding Officer of his Regiment ;

(b) in the case of a person residing in a country outside India, before the representative of the Government of India in that country or an officer nominated by such representative for the purpose.

(2) The Commanding Officer or the representative of India, or such nominated officer as the case may be, shall forward to the officer conducting the proceedings, the statements so recorded together with documents that may be produced by the claimants and the depositions of the

claimants and the documents produced by them shall form a part of the record of the case, notwithstanding anything contained in rule 6.

9. A Claims Officer shall hold every proceeding under the Act in an open place to which the public may generally have access so far as the same can conveniently contain them:

Provided that the Claims Officer may if he thinks fit, order at any stage of a proceeding of any particular case, that the public generally or any particular person shall not have access to, or be, or remain in the room or building used by the Claims Officer.

CHAPTER III

Revision

10. *Definition.*— In this chapter, the expression "appropriate revising authority" means the revising authority having jurisdiction in the area where the claim or a part of a claim is verified.

11. *Petition for revision.*— (1) A claimant may within one month of the date of any order made by a Claims Officer make a petition for revision of that order to the appropriate revising authority.

(2) Every such petition for revision shall be accompanied by a copy of the order of the Claims Officer against which it has been filed and shall set forth concisely and under distinct heads the grounds of objection to such order without any argument or narrative.

(3) Every such petition shall be accompanied by a treasury receipt or a crossed Indian Postal Order payable to the Joint Chief Claims Commissioner for a sum of Rupee one; provided that where the petitioner resides outside India, the petition may be accompanied by a receipt of the amount of fee issued by an officer authorised in this behalf by the representative of India in the country where the petitioner resides.

12. *Presentation.*—A petition for revision shall be presented either in person or through an agent duly authorised in writing or sent by registered post to the appropriate revising authority.

13. *Registration of Revision petition.*—Every revision petition made under rule 12 and every case in which a revising authority *suo motu* exercises the power of revision conferred by the proviso to sub-section (3) of section 6 of the Act, shall be registered in a register to be maintained for the purpose in Form D of the Schedule.

14. *Hearing of Revision Petition.*—(1) A revising authority after sending for the record of the case and after giving the petitioner an opportunity of being heard, may pass such order on the revision petition as it thinks fit.

(2) Where a Claims Officer has disposed of a claim on a preliminary point and the revising authority disagrees with the Claims Officer, the revising authority shall remand the case to the Claims Officer with the direction that the claim be decided on its merits. Provided that where the Claims Officer who originally decided the case is not available, the revising authority may send the case to such other Claims Officer as it may deem fit.

(3) Where the order of the revising authority affects more than one claimants, the revising authority may vary the order of a Claims Officer in the case of all such claimants:

Provided that no order shall be varied to the prejudice of any claimant unless he is given an opportunity of being heard.

15. *Return of records.*—After a case has been decided, the revising authority shall return the record of the case to the Central Claims Office.

16. Subject to the provisions of this Chapter the provision of Chap-

ter II shall, so far as may be, apply in relation to the hearing of revision petition as they apply in relation to the hearing of claims.

CHAPTER IV

Miscellaneous

17. *Service of notice or Order.*—(1) Every notice or order under these rules shall be served upon the claimant by registered post acknowledgment due at the last address supplied by the claimant.

(2) A notice or order shall be deemed to be duly served if the acknowledgment of the registered letter has been received or if the claimant has refused to accept such letter.

18. *Certain provisions of the Limitation Act to apply.*—The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall so far as may be, apply to every proceeding in respect of which any period of limitation is prescribed under these rules.

19. No legal practitioner shall appear in any proceeding except with the permission of, and for the reasons to be recorded in writing by the officer conducting the proceeding.

20. All statements made in any proceeding shall be on oath.

21. *Return of original documents.*—A Claims Officer may on application made by a claimant return any original document filed by the claimant if the claimant supplies at his own expense a true copy of such document made by any officer under the direction of the Claims Officer.

22. (I) A fee of annas 8 shall be levied for supplying to a claimant a copy of the final order made by a Claims Officer.

(II) The fee for copies shall be paid in the form of Indian Postal Orders, crossed in favour of Joint Chief Claims Commissioner, Delhi and attached with the application for copies.

23. The Joint Chief Claims Commissioner may, from time to time, call for such returns and statements from Claims officers as he may deem fit.

24. In so far as these rules make no provision or make insufficient provision, the provisions of the Code of Civil Procedure, 1908, shall so far as may be, apply to all proceedings under these rules.

By Registered Post/A.D.

Notice to a person who has filed a claim under the Displaced Persons (Claims) Act, 1950 to appear and prosecute the claim.

SCHEDULE

[For Forms see *Gazette of India*, Part II-Sec. 3, pages 965-968.]

Published in the *Gazette of India*, Pt. II, Sec. 3, dated 24th June, 1950.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 19th June 1950.

S. R. O. 176.—In exercise of the powers conferred by sub-clause (b) of clause 2 of the **Iron and Steel (Scrap Control) Order, 1943**, the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-I(779), dated the 8th November, 1948, namely :—

To the Schedule annexed to the said notification, the following shall be added, namely :—

"All District Magistrates in Uttar Pradesh".

New Delhi, the 20th June, 1950.

S. R. O. 177.—In exercise of the powers conferred by section 4 of the **Patents and Designs (Extension of Time) Act, 1950** (II of 1950), the

Central Government is pleased so make the following rules :—

The Patents and Designs (Extension of Time) Rules, 1950

1. *Short title and commencement.*—(1) These rules may be called the Patents and Designs (Extension of Time) Rules, 1950.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Patents and Designs (Extension of Time) Act, 1950 (II of 1950) ;

(b) "principal Act" means the Indian Patents and Designs Act, 1911 (II of 1911) ;

(c) "Controller" has the meaning assigned to it in the principal Act.

3. *Form of application.*—(1) An application from a displaced person for an extension of time under the Act, shall, so far as may be, be made in the form appended to these rules.

(2) Every such application shall be supported by an affidavit stating the grounds on which the application is made

4. *Order on application.*—(1) Where the Controller, on perusal of the application and the affidavit, is satisfied that a case for extension of time is made out, he may grant the application

(2) Where, in the opinion of the Controller, the application and the affidavit do not disclose a case for extension of time, he may, after giving the applicant an opportunity of being heard in the matter, pass a final order on the application, granting or rejecting it

(3) An order granting an application for extension of time under this rule shall be made subject to the conditions hereinafter specified.

5. *Conditions subject to which an order may be made.* —(1) Every order for extension of time for the payment of renewal fees on a patent shall be made subject to the following conditions :—

(a) that the applicant shall not commence or prosecute any action or other proceeding for damages or otherwise in respect of :—

(i) the making, selling or using of the invention, or

(ii) the selling or using at any time, any article made,

in infringement of the patent between the date of the lapsing of the patent and the date of the order granting the extension of time.

(b) that if any person within one year of the date of the said order makes an application to the Controller for compensation in respect of any money, time or labour expended by him in relation to the subject matter of the patent in the *bona fide* belief that such patent had become, and continued to be, void, it shall be lawful for the Controller, after hearing the parties concerned :—

(i) to assess the amount of such compensation and to specify the party by whom and the time within which such compensation shall be paid,

(ii) to direct that if default is made in payment of such compensation, then the said patent shall become void but the compensation awarded shall not in that case, be recoverable.

(2) Every order for extension of time for the sealing of a patent shall contain conditions similar to those specified in sub rule (1) for the protection of any person who has availed himself of the invention which is the subject matter of the patent, between, the date when the time allowed by or under section 10 of the principal Act for making an application for

sealing of the patent expired and the date of the order granting the extension of time.

(3) Every order granting an extension of time for the filing of an application for the extension of the period of a copyright in a design shall be made subject to the condition that the registered proprietor of the design shall not commence or prosecute any action or other proceeding for damages or otherwise in respect of—

(a) the application of the design to any article in any class of goods in which the design is registered, for the purpose of sale, or

(b) the importation for the purpose of sale of any article belonging to the class in which the design is registered and the application thereto of the design or any obvious imitation thereof, or

(c) the publishing or exposing or causing to be published or exposed for sale any article in any class of goods in which the design is registered and the application thereto of the design or any obvious limitation thereof.

in piracy of the registered design between the date of the expiry of the period of the copyright in the design and the date of the order granting the extension of time.

(4) Every order granting an extension of time in respect of an application for a patent or design which has not been accepted shall be made subject to the following conditions :—

(a) conditions similar to those specified in sub-rule (2) for the protection of persons who had applied for or obtained a patent or a copyright in respect of an identical invention or design between the date on which the original application or proceeding by the displaced person should have been completed and the date of the order granting the extension of time.

(b) that a patent or a copyright when granted on the application for a patent or design, as the case may be, shall not in any way prejudicially affect the right of any person who might between the date on which the original application or proceeding should have been completed by the displaced person and the date of the order granting the extension of time, have applied for or obtained a patent or copyright for an identical invention or design.

FORM OF APPLICATION FOR EXTENSION OF TIME

(*See rule* 3)

I (or we)[1]

hereby apply for extension of time :—

(a) For leaving a complete specification in respect of application No. of ;

(b) For the acceptance of the application for a Patent No. of ;

(c) For the sealing of a patent on application No. of ;

(d) For the registration of a design No. applied for on ;

(e) For payment of renewal fee on the patent No. of ;

(f) For the filing of a petition for the extension of term of a patent under Section 15 of the Indian Patents and Designs Act, 1911.

(g) For filing application for extension of copyright in design No. ;
for a 2nd/3rd period of 5 years

The grounds on which this application is made are stated in the enclosed affidavit*.

My (or our) address for service in India is :—

.....

.....

Dated this day of 19 .

To

The Controller of Patents and Designs,
The Patent Office, Calcutta.

1. Insert (in full) name, address and nationality.

2. Strike out the words which are not applicable. Quote number and year of application or patent.

*The affidavit should contain a specific declaration together with the necessary particulars that the applicant is a "displaced person" within the meaning of Section 2 of the Patents and Designs (Extension of Time) Act, 1950, and the circumstances under which the applicant could not complete any proceeding under the Indian Patents and Designs Act, 1911 within the time limits prescribed therein.

—

Published in the *Gazette of India*, Pt.-II, Sect. 3, dated 22nd July, 1950.

MINISTRY OF HOME AFFAIRS

New Delhi, the 12th July, 1950.

S. R. O. 269.—In exercise of the powers conferred by section 2 of the Indian Passport Act, 1920 (XXXIV of 1920), the Central Government is pleased to direct that, with effect from the 1st August, 1950, the following amendment shall be made in the **Indian Passport Rules, 1950**, namely :—

In clause (c) of sub-rule (1) of rule 4 of the said Rules, the words "or from Burma" shall be omitted.

MINISTRY OF FINANCE

New Delhi, the 12th July, 1950.

S. R. O. 270.—In exercise of the powers conferred by sub section (3) of section 1 of the **Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949** (XLVI of 1949), the Central Government is pleased to appoint the 1st August, 1950, as the date on which the said Act shall come into force in the State of Orissa.

—

Published in the *Gazette of India*, Pt.-II, Sec. 3, dated 16th September, 1950.

MINISTRY OF FINANCE (REVENUE DIVISION)

New Delhi, the 16th September, 1950.

S. R. O. 605.—In exercise of the powers conferred by sub-section (2) of section 5 of the **Dangerous Drugs Act, 1930** (II of 1930), the Central Government is pleased to direct that the following further amendments shall be made in the Central Opium Rules, 1934, namely :—

In the said Rules—

I. In rule 1 —

(i) for sub-rule (1-A) the following sub-rule shall be substituted, namely :—

"(1-A) They extend to the whole of India except the State of Jammu and Kashmir.";

(ii) for sub-rule (3) the following sub-rule shall be substituted, namely :—

"(3) In these rules 'poppy' means the species Papaver Somniferum L.".

II. In rule 2—

(i) for the words and letters "Part A States and Part C States" the words "any State to which these rules apply" shall be substituted ;

(ii) for clause (a) the following clause shall be substituted, namely:—

"(a) within such tracts in Uttar Pradesh, Madhya Bharat, Rajasthan, Himachal Pradesh and Bilaspur as the Central Government may from time to time by notification in the Gazette of India define in this behalf; and"

III. In rule 3, for the words "Uttar Pradesh and Himachal Pradesh", the words "Uttar Pradesh, Madhya Bharat, Rajasthan, Himachal Pradesh and Bilaspur" shall be substituted.

IV. In rule 5, for the words and letters "Part A States and Part C States save in the Uttar Pradesh", the words "any State to which these rules apply save in Uttar Pradesh, Madhya Bharat, Rajasthan and Bilaspur", and for the words "Government Factory at Ghazipur" wherever they occur, the words "Government Factories at Ghazipur, Neemuch and Kotah", shall be substituted.

V. For rule 6, the following rule shall be substituted, namely:—

"6. Opium shall not be manufactured in—

(i) Uttar Pradesh save by officers of the Opium Department at the Government Factory at Ghazipur;

(ii) Madhya Bharat save by officers of the Opium Department at the Government Factory at Neemuch;

(iii) Rajasthan save by officers of the Opium Department at the Government Factory at Kotah; and

(iv) Bilaspur save by officers of the Excise Department of Bilaspur State:

Provided that opium mixtures may be manufactured from raw opium lawfully possessed by persons authorised by the State Government concerned"

VI. For rule 7, the following rule shall be substituted, namely:—

"7. Sale for export.—The sale of opium from the Government Factories at Ghazipur, Neemuch and Kotah for export is prohibited save when the export is on behalf of the Central Government".

VII. For rule 8, the following rule shall be substituted, namely:—

"8. Sale to State Governments.—The sale of opium from the Government Factories at Ghazipur, Neemuch and Kotah to a State Government is prohibited save under the orders of the Central Government."

S. R. O. 607.—In exercise of the powers conferred by section 49A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government is pleased to direct that the following further amendments shall be made in the Income-tax (Double Taxation Relief) (Indian States) Rules, 1939, namely:—

For clause (a) of Rule 2 of the said Rules, the following shall be substituted, namely:—

"(a) (i) The expression "Indian Income-tax" means income-tax and super-tax charged in accordance with the provisions of the said Act;

(ii) The expression "Indian rate of tax" means the amount of Indian income-tax exclusive of super-tax after deduction of any relief due to a claimant under the other provisions of the said Act but before deduction of any relief due to him under these Rules, divided by his total income after deducting therefrom any income (including income from a share in an unregistered firm) exempted from tax by or under the provisions of the said Act, added to the amount of Indian super-tax before deduction of any relief due to the claimant under these rules divided by his total income".

Published in the *Gazette of India*, Extraordinary, Pt. II, Sec. 3, dated 30th September, 1950.

MINISTRY OF HOME AFFAIRS

New Delhi, the 30th September, 1950.

S. R. O. 702.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government is pleased to extend the Bombay Essential Commodities and Cattle (Control) (Amendment) Act, 1950 (Bombay Act XXX of 1950), to the State of Delhi.

Published in *Gazette of India*, Pt. II-Sec. 3, dated the 2nd December 1950.

MINISTRY OF FINANCE (REVENUE & EXPENDITURE DEPARTMENT)

New Delhi, the 2nd December 1950.

S R. O 998.—The following Order made by the Central Government is published for general information :—

The Part B States (Taxation Concessions) Order, 1950.

In exercise of the powers conferred by Section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government is pleased to make the exemptions, reductions in rate of tax and the modifications specified in this Order.

2 *Short title.*—This Order may be cited as the Part B States (Taxation Concessions) Order, 1950.

3 *Definitions.*—In this Order—

(i) the 'Act' means the Indian Income-tax Act, 1922 (XI of 1922) ;

(ii) 'appointed day' means

(a) in relation to all Part B States other than the State of Patiala and East Punjab States Union, the 1st day of April 1950, and

(b) in relation to the State of Patiala and East Punjab States Union, the 13th day of April 1950 ;

(iii) the expression 'Indian rate of tax' means the rate determined by dividing the amount of income-tax and super-tax payable in the taxable territories on the total income for the year in question in accordance with the rates prescribed by the relevant Finance Act of the Central Government, by the amount of such total income ;

(vi) 'State' means any Part B State other than the State of Jammu and Kashmir ;

(v) the expression 'State rate of tax' means the rate determined by dividing the amount of income tax and supper-tax payable on the total income according to the rates of tax in force in the State immediately before the appointed day, or for the year in question, as the case may be, by the amount of such total income and where under any State Law, the rates of tax in force in the State are prescribed with reference to the total income including agricultural income, the State rate of tax shall be the rate determined by dividing the amount of income-tax and super tax on the total income including the agricultural income without taking into account any reduction of tax allowed on the agricultural income by the State law by the amount of such total income ;

EXPLANATION.—Where there was no State law relating to charge of income-tax and super-tax, the rates of income-tax and super-tax in force in that State immediately before the appointed day shall, for the purposes of this clause, be deemed to be the rates specified in the Schedule ;

(vi) the expression "State law" means any law relating to income-tax or super-tax in force in the State immediately before the appointed day;

(vii) the expression "taxable territories" shall have the same meaning as is assigned to it by clause (14A) of section 2 of the Act.

4. *Scope of the main concessions.*—(1) The provisions of paragraphs 5, 6, sub-paragraph (1) of paragraph 11, 12 and 13 of this Order shall apply—

(i) in the case of an assessee who has been assessed or is assessable in the taxable territories as resident for three out of the six years of assessment commencing on the 1st day of April, 1944, and ending on the 31st day of March, 1950, to so much of the income, profits and gains included in his total income as would, had the assessee been resident also in the relevant previous year in the taxable territories other than Part B States, have been exempt under clause (c) of sub-section (2) of section 14 of the Act, if it had not been extended to Part B States.

(ii) in the case of an assessee who is resident in the previous year in the taxable territories other than Part B States, to so much of the income, profits and gains included in his total income as would have been exempt under clause (c) of sub-section (2) of section 14 of the Act if it had not been extended to Part B States.

(iii) in the case of any other assessee who is not resident in the previous year in the taxable territories or in the taxable territories other than Part B States, to so much of the income, profits and gains included in his total income as accrue or arise in any Part B State and are not deemed to accrue or arise, or are not received or deemed to be received within the meaning of clause (a) of sub-section (1) of section 4 of the Act, in the taxable territories other than the Part B States.

(2) The provisons of this Order shall not apply to the income chargeable under the head 'Salaries' which is payable on or after the appointed day—

(a) by the Central Government or the Government of a Part A State to a person who was an employee of that Government immediately before the appointed day; or

(b) by the Government of a Part B State to a person whose services have been lent to that Government by the Central Government or the Government of a Part A State.

5. *Income of a previous year chargable in the Part B State in 1949-50.*—(1) The income, profits and gains of any previous year ending *after* the 31st day of March, 1949, which is a previous year for the State assessment year 1949-50, shall be assessed under the Act for the year ending on the 31st day of March, 1951, *if and only if*, such income, profits and gains have not, before the appointed day, been assessed under the State law.

(2) Where the income, profits and gains referred to in sub-paragraph (1) have not been assessed under the State law, they shall be assessed under the Act for the year ending on the 31st day of March, 1951, and the tax payable thereon shall be determined as hereunder—

(i) the tax on the amount of such income, profits and gains included in the total income shall be computed at the Indian rate of tax;

(ii) the amount, of such income, profits and gains shall be computed under the State law and the tax thereon computed at the State rate of tax in force immediately before the appointed day;

(iii) the amount, if any, by which the tax computed under clause (i)

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exceeds the tax computed under clause (i) shall be allowed as rebate from the first mentioned tax, and the amount of the first mentioned tax as so reduced shall be the tax payable :

Provided that in the case of an assessee referred to in clause (i) or clause (ii) of sub-paragraph 1 of paragraph 4 of this Order, if the whole or part of such income, profits or gains on which rebate is due or has been allowed under this paragraph—

(a) are brought into or received in the taxable territories other than Part B States in any subsequent year in which the assessee is resident, the rebate already allowed appropriate to the amount so brought or received shall be recovered in addition to the tax payable on the total income of that year.

(b) are brought into or received in any Part B State other than the State in which they accrued or arose, then—

(i) if they are so brought or received in the same previous year in which they accrued or arose, they shall be charged to tax as if they had accrued or arisen in that Part B State ; and

(ii) if they are so brought or received in any subsequent year in which the assessee is resident, and if the rate at which the tax is payable by the assessee on his total income of that year is higher than the rate at which such profits had actually borne tax (after allowance of the rebate), there shall be recovered, in addition to the tax payable on his total income of that year, an amount equal to the tax on such profits at the rate representing the difference between the said two rates.

(3) In this paragraph the State assessment year 1949-50 means the assessment year which commences on any date between the 1st April, 1949, and the 31st December, 1949.

6 *Income of a previous year which does not fall under paragraph 5*— The income, profits and gains of any previous year ending after the 31st day of March, 1949, which does not fall within paragraph five of this Order shall be assessed under the Act for the year ending on the 31st day of March, 1951, and the tax payable thereon shall be determined as hereunder :

In respect of so much of the income, profits and gains included in the total income as accrue or arise in any State other than the States of Patiala and East Punjab States Union and Travancore-Cochin—

(i) the tax shall be computed (a) at the Indian rate of tax and (b) at the State rate of tax in force immediately before the appointed day ;

(ii) where the amount of tax computed under sub clause (a) of clause (i) is less than or is equal to the amount of tax computed under sub clause (b) of clause (i), the amount of the first mentioned tax shall be the tax payable ;

(iii) where the amount of tax computed under sub-clause (a) of clause (i) exceeds the tax computed under sub-clause (b) of clause (i), the excess shall be allowed as a rebate from the first mentioned tax and the amount of the first mentioned tax as so reduced shall be the tax payable :

Provided that where the previous year falls partly before and partly on or after the 1st day of April, 1949, the tax payable under clause (ii) or (iii), as the case may be, in respect of so much of the income, profits and gains as accrue or arise in the State of Madhyabharat or Rajasthan, shall be reduced further by an amount equal to such proportion of the tax payable as the period falling before that day bears to the whole period of the previous year :

Provided further that in the case of an assessee referred to in clause (i) or clause (ii) of sub-paragraph 1 of paragraph 4 of this Order, if the whole or part of such income, profits or gains on which rebate is due or has been allowed under this paragraph—

(a) are brought into or received in the taxable territories other than Part B States in any subsequent year in which the assessee is resident, the rebate already allowed appropriate to the amount so brought of received shall be recovered in addition to the tax payable on the total income of that year;

(b) are brought into or received in any Part B State other than the State in which they accrued or arose, then—

(i) if they are so brought or received in the same previous year in which they accrued or arose, they shall be charged to tax as if they had accrued or arisen in that Part B State; and

(ii) if they are so brought or received in any subsequent year in which the assessee is resident, and if the rate at which the tax is payable by the assessee on his total income of that year is higher than the rate at which such profits had actually borne tax (after allowance of the rebate), there shall be recovered, in addition to the tax payable on his total income of that year, an amount equal to the tax on such profits at the rate representing the difference between the said two rates.

7. *Income accruing or arising without the taxable territories.*—The income, profits and gains which accrue or arise without the taxable territories and are not deemed to accrue or arise, or are not received or deemed to be received within the meaning of clause (a) of sub-section (1) of section 4 of the Act, in the taxable territories, shall, in the case of an assessee referred to in clause (iii) of sub paragraph (1) of paragraph 4 of this Order, be, charged to tax for the year ending on the 31st day of March 1951, in the same manner and to the same extent as is specified in paragraph five or six of this Order, as the case may be.

8. *Remittances out of earlier foreign profits.*—The income, profits and gains which accrued or arose outside India before the beginning of the previous year for the assessment for the year ending on the 31st day of March, 1951, to an assessee referred in clause (iii) of sub-paragraph (1) of paragraph 4 of this Order, shall not be included in his total income of the previous year, in which such income, profits and gains are brought into or received in the taxable territories if they are so brought into or received before the 1st day April, 1952

9. *Double Income tax relief.*—(1) Where before the appointed day and income has been assessed in any State and also in the taxable territores other than the State, double income-tax relief which would have been admissible under the Income-tax (Double Taxation Relief) (Indian States) Rules, 1939, and in the State under the corresponding Rules shall be allowed.

(2) Where, before the appointed day any income has been assessed in any State or in the taxable territories other than the States, and the whole or part of such income is also assessable in taxable territories or the State, as the case may be, the tax payable in respect of the assessment to be made shall be reduced by the amount of double income-tax relief, which would have been allowable in accordance with sub-paragraph (1).

10. *Remittances of earlier profits.*—(1) Notwithstanding anything contained in Explanation 4 to sub section (1) of section 4 of the Act, the income, profits and gains brought into or received after the appointed day,

in any part of the taxable territories other than the State, *shall not be charged to tax as income of the previous year in which they are so brought or received* except where—

(i) the assessee is a person who has been assessed or is assessable in the taxable territories as resident for three out of the six years of assessment commencing on the 1st day of April, 1944, and ending on the 31st day of March, 1950 ; and

(ii) such income, profits and gains—

(a) being assessable to any tax on income in the State had not been so assessed ; or

(b) being liable to be included in the taxable territories in the 'total income' of the relevant year under the provisions of the Act had not been so included.

(2) Where the income, profits and gains referred to in sub-paragraph (1) are chargeable as the income of the previous year, in accordance with the provisions of that sub-paragraph, the tax payable thereon shall be determined as hereunder—

(i) the tax payable on the amount of such income, profits and gains included in the total income shall be computed at the Indian rate of tax ;

(ii) the tax payable in the State in the relevant year in which such income, profits and gains were assessable shall, if not already assessed, be computed at the State rate of tax ;

(iii) the tax payable in the taxable territories in the relevant year in which such income, profits and gains were assessable shall, if not already assessed, be computed at the Indian rate of tax ;

(iv) the sum of the taxes payable under clauses (ii) and (iii) shall be reduced by the amount of the double income-tax relief, if any, which would have been allowable in accordance with sub-paragraph (1) of paragraph 9 ;

(v) the amount by which the tax compured under clause (i) exceeds the tax computed under clause (iv) shall be allowed as a rebate from the first mentioned tax, and the amount of the first mentioned tax as so reduced shall be the tax payable.

11. *Salaries.*—(1) Where the total income of an assessee, not being a company, includes any income chargeable under the head 'Salaries' which was paid before the appointed day for services rendered in a State in which there was no law relating to the charge of income-tax and super-tax, no tax shall be payable by the assessee on the amount of such inclusion.

(2) In the case of an assessee who before the appointed day was an employee of the Government of a State and whose services on or after the appointed day have been taken over or transferred to the Central Government or the Government of a Part A State, then irrespective of the place of his employment, the tax on his income chargeable under the head 'Salaries' shall, in the year beginning on the 1st day of April, 1950, be deducted under sub-section (2) of section 18 of the Act, at the State rate of tax in force in the State in which he was employed immediately before the appointed day, if—

(i) he is not an employee of the Railway Department, and

(ii) the salary paid to him is based on the rates of pay and allowances which would have been applicable to him had he continued to be in the employment of the Government of the State.

12. *Dividends.*—Where the total income of an assessee chargeable to tax for the assessment for the year ending on the 31st day of March, 1951, includes any income from dividends paid by a company registered in a State in which there was no State Law relating to the charge of income-tax and super-tax and the dividend is paid out of profits which were not liable to be taxed, in whole or in part, either in the State or in the taxable territories, no income-tax shall be payable by the assessee on such proportion of the dividend as the non-taxable profits of the company arising in the State bear to the total income of the company.

13. *Advance payment of tax.*—The provisions of section 18A of the Act shall not operate before the 1st day of April 1951, in respect of any income accruing or arising in any State unless the State Law contained a provision corresponding thereto.

(2) Where the provisions of section 18A of the Act are applicable, the expression 'latest previous year in respect of which he has been assessed' in clause (a) of section (1) of the said section shall be deemed to mean the latest previous year in respect of which the assessee has been assessed either in the State or the taxable territories or in both, as the case may be:

Provided that where the income of the latest previous year in respect of which a person has been assessed in the State and in the taxable territories is to be taken in aggregate for the purposes of this paragraph, so much of such income as has been included in both the assessments shall be excluded from the aggregate.

14. *Requiring distribution of dividends by private Companies.*—The provisions of section 23A of the Act, shall not be applied in respect of the profits and gains of any previous year ending before the appointed day unless the State Law contained a provision corresponding thereto.

15. *Exemptions.*—Any income falling within the following classes shall be exempt from income-tax and super-tax and shall not be included in the total income or total world income of the person receiving them:

(i) Any sum which the widow or the mother of a person who was the Ruler of an Indian State receives as her maintenance allowance out of public revenues;

Provided that in the case of the widow or the mother who, in any of the three years ending before the 1st day of April 1950, was chargeable to tax as resident in the taxable territories (other than the State), the said sum shall be exempt *only if* it is received by her in the State and is not brought into or received in any part of the taxable territories other than the State.

(ii) Any pension paid out of public revenues which a person receives as the subordinate Chief of a person who was the Ruler of an Indian State, where such pension was payable to him in that capacity by the said Ruler immediately before the appointed day.

(iii) The *bona fide* annual value of the residential palace of the Ruler of a State which is situate within the State and is declared by the Central Government as his inalienable ancestral property.

16. *Concessions to Industrial Undertakings.*—(1) Where any industrial undertaking situated in any State claims that it has been granted any exemption from or concession in respect of incometax or supertax by the Ruler of an Indian State and was enjoying such exemption or concession

immediately before the appointed day it shall submit an application to the Commissioner of Income-tax giving the following particulars :—

1. Name of the industrial undertaking.
2. Status (i.e. whether public or private company, firm, individual or Hindu undivided family).
3. Nature of the business.
4. Date of commencement of the business.
5. Nature of the concessions granted.
6. Period for which concessions granted.
7. Unexpired period of the concessions after the appointed day.

(2) Every such application shall be accompanied by the orders in original of the Indian State granting the concession, together with a certified copy of the order.

(3) The Commissioner shall, after obtaining such other information as he may require, forward the application to the Central Government which, having regard to all the circumstances of the case, may grant such relief, if any, as it thinks appropriate.

THE SCHEDULE

(See explanation to paragraph 3 (v))

PART I

Rates of Income-tax

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which paragraph B of this part applies.

	Rate.
1. On the first Rs. 2,000 of total income.	Nil
2. On the next Rs. 3,000 of total income.	2 pies in the rupee.
3. On the next Rs. 5,000 of total income.	4 pies in the rupee.
4. On the next Rs. 5,000 of total income.	9 pies in the rupee.
5. On the balance of total income.	16 pies in the rupee.

Provided that :—

(1) No income-tax shall be payable on total income which does not exceed Rs. 5,000.

(2) The income tax payable shall in no case exceed half the amount by which the total income exceeds Rs. 5,000.

B. In the case of every Company on the whole of total income. 16 pies in the rupee.

PART II

Rates of Super-tax

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which any other paragraph of this part applies :—

	Rate.
1. On the first Rs. 30,000 of total income	Nil
2. On the next Rs. 10,000 of total income.	1 anna in the rupee.
3. On the next Rs. 30,000 of total income.	1 and half annas in the rupee
4. On the next Rs. 30,000 of total income.	2 annas in the rupee.
5. On the next Rs. 50,000 of total income.	2 and a half annas in the rupee
6. On the balance of total income.	3 annas in the rupee.

B. In the case of every Company :—

	Rate.
On the whole of total income	
1. If the income does not exceed Rs. 25,000 on the whole of the total income.	one half anna in the rupee.
2. If the income exceeds Rs. 25,000 on the whole of the total income.	1 anna in the rupee.

Provided that a rebate at the rate of 2 pies and 4 pies per rupee respectively of the total income shall be allowed in the case of any company which, in respect of its profits liable to tax for the year ending 31st day of March 1951 and 1952 has made the prescribed arrangements for the declaration and payment in the State concerned of the dividend payable out of such profits and for the deduction of super-tax from dividends in accordance with the provisions of sub-section (3D) or (3E) of section 18 of the Act.

S. R. O. 999.—The following Order made by the Central Government is published for general information :—

Taxation Laws (Part B States) (Removal of Difficulties) Order, 1950.

WHEREAS certain difficulties have arisen in giving effect to the provisions of the Indian Income-tax Act, 1922 (XI of 1922), and the payment of Taxes (Transfer of Property) Act, 1949 (XXII of 1949), in Part B States.

NOW, THEREFORE, in exercise of the powers conferred by section 12 of the Finance Act, 1950, and section 5 of the Opium and Revenue Laws (Extension of Application) Act, 1950, the Central Government is pleased to make the following order namely :—

1. This Order may be cited as the Taxation Laws (Part B States) (Removal of Difficulties) Order, 1950.

2. *Computation of aggregate depreciation allowance and the written down value.*—In making any assessment under the Indian Income-tax Act, 1922, all depreciation actually allowed under any laws or rules of a Part B State relating to income-tax and super-tax, or any law relating to tax on profits of business, shall be taken into account in computing the aggregate depreciation allowance referred to in sub-clause (c) of the proviso to clause (vi) of sub-section 2, and the written-down-value under clause (b) of sub-section 5, of section 10 of the said Act :

Provided that where in respect of any asset, depreciation has been allowed for any year both in the assessment made in the Part B State and in the taxible territories, the greater of the two sums allowed shall only be taken into account.

3. *Carry forward and set-of previous losses.*—Where in any previous year prior to the previous year for the assessment for the year ending on the 31st day of March, 1950, an assessee has sustained a loss of profits or gains in any business, profession or vocation carried on by him, and such loss would, had the State law continued to be in force, have been set off against the profits and gains, if any, from the same business chargeable to tax in the said year of assessment or in any year subsequent thereto, such loss would be so set off in the same manner, to the same extent, and up to the same year of assessment, as it would have been set off had the State law continued to be in force.

4. *Treatment of property transferred in a Part B State before payment of taxes.*—Section 4 of the Payment of Taxes (Transfer of Property) Act, 1949, (XXII of 1949) shall not apply in relation to any property situate in a Part B State which had been transferred before the 1st day of April,

1950, unless there was in the State any law corresponding thereto.

Published in the *Gazette of India*, Part II-Sec. 3, dated 28th October 1950.

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th October 1950.

S. R. O. 800.—In exercise of the powers conferred by section 3 of the **Registration of Foriegners Act, 1939** (XVI of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Registration of Foreigners Rules, 1939, the same having been previously published as required by the said section, namely :—

I. In rule 4 of the said Rules, the words "and, if he is a foreigner," shall be omitted.

II. In form 'E' annexed to the said Rules, the brackets, words and figures "(columns 1 and 2 to be completed in respect of all passengers ; columns 3 to 6 foreigners only)" shall be omitted.

New Delhi, the 17th October 1950.

S. R. O. 801.—In exercise of the powers conferred by section 3 of the **Indian Passport Act, 1920** (XXXIV of 1920), the Cenral Government is pleased to direct that the following further amendments shall be made in the Indian Passport Rules, 1950, namely :—

In clauses (f) and (g) of sub rule (1) of rule 4 of the said Rules, after the words "entering India by land" the words "or by air" shall be inserted.

New Delhi, the 21st October 1950

S. R. O. 805.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In the said Order—

(a) for sub-clause (ii) of clause 1 the following sub-clause shall be substituted, namely :—

"(ii) it extends to the whole of India except the State of Jammu and Kashmir."

(b) for clause 2 the following clause shall be substituted, namely :—

"2. The Cotton Textiles (Control) Order, 1948 (Notification No. 80-Tex. I/48, dated the 19th February 1948) and any order corresponding to that order in force in a Part B State are hereby repealed :

Provided that any order made, notification issued, right accrued, penalty incurred or anything done or deemed to have been done under the orders so repealed shall be deemed to have been made, issued, accrued, incurred or done under the corresponding provisions of this Order

2A. All Orders, notifications and directions issued or deemed to have been issued under this Order which, immediately before 21st October 1950 were in force only in certain parts of India, are hereby extended to and shall be in force in the whole of India except the State of Jammu and Kashmir."

New Delhi the 21st October 1950

S. R. O. 806.—In exercise of the powers conferred by section 4 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that powers to make orders under section 3 of the said Act providing for the matters specified in clauses (c),

(d), (e), (f), (h), (i) and (j) of sub-section (2) of the said section shall in respect of coal supplies received within the State of Rajasthan from time to time against the quota fixed by the Central Government for detailed allocation by the State Government be exercisable also by the Government of Rajasthan, subject to any general or special orders that may be issued by the Central Government.

MINISTRY OF REHABILITATION

New Delhi, the 28th September 1950.

S.R.O 811.—In exercise of the powers conferred by Section 56 of the **Administration of Evacuee Property Act, 1950** (No. XXXI of 1950), the Central Government is pleased to make the following Rules, namely :—

1. *Short title.*—These Rules may be called the **Administration of Evacuee Property (Central) Rules, 1950.**

2 *Definitions.*—In these Rules :—

(a) "The Act" means the Administration of Evacuee Property Act, 1950 (Act No. XXXI of 1950).

(b) "Form" means a form appended to these Rules.

(c) "Section" and "sub-section" mean, respectively, a Section and a sub-section of the Act.

(d) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act.

3. *Conditions of service of the Custodian General and other Officers.*—(1) The Custodian General and all Officers appointed by or under him, shall, subject to any special contract to the contrary, be governed by the Central Civil Service Rules applicable to the class of officers to which the Custodian General or such officers belong.

(2) If any question arises as to the class of officers to which the Custodian General or any such officer belongs the decision of the Central Government thereon shall be final.

4. The Central Government may appoint as many Deputy and Assistant Custodians General as it may deem necessary to assist the Custodian General in the discharge of his functions. Such Deputy and Assistant Custodians General shall perform such functions as the Custodian General may assign to them.

5. *Transfer of assets to Pakistan.*—A remittance of any sum of money to Pakistan shall not be deemed to have been made for the purpose of financing a transaction in the ordinary course of trade within the meaning of the proviso to section 2(e) (i) of the Act if—

(i) it is found to be a remittance of capital to Pakistan without an adequate return in India in the shape of money or goods ; or

(ii) the transaction to finance which the remittance is made is outside the normal trade activities of the remitter ; or

(iii) the object of the remitter is to invest money in property, shares or securities held outside India ; or

(iv) the transaction is benami ; or

(v) the amount remitted exceeds the financial capacity and resources of the remitter :

Provided that the Custodian may, subject to such terms and conditions as he may deem fit, permit the remittance of any reasonable sum of money to Pakistan :

Provided further that the Custodian shall permit a remittance of Rs. 25 per mensem for the maintenance of each member of the family of the

remitter so long as such member continues to stay in Pakistan and if the aggregate amount so remitted is not beyond the financial resources of the remitter.

6. *Manner of inquiry under section 7.*—(1) Where the Custodian is satisfied from information in his possession or otherwise that any property or an interest therein is prima facie evacuee property, he shall cause a notice to be served, in Form No. 1, on the person claiming title to such property or interest and on any other person or persons whom he considers to be interested in the property.

(2) The notice shall, as far as practicable, mention the grounds on which the property is sought to be declared evacuee property and shall specify the provision of the Act under which the person claiming any title to, or interest in, such property is alleged to be an evacuee.

(3) The notice shall be served personally, but if that is not practicable, the service may be effected in any manner provided in Rule 28.

(4) Where a notice has been duly served, and the party called upon to show cause why the property should not be declared as evacuee property, fails to appear on the date fixed for hearing, the Custodian may proceed to hear the matter ex parte and pass such order on the material before him as he deems fit.

(5) Where such party appears and contests the notice he shall forthwith file a written statement verified in the same manner as a pleading under the Code of Civil Procedure 1908, stating the reasons why he should not be deemed to be an evacuee and why the property or his interest therein should not be declared as evacuee property. Any person or persons claiming to be interested in the enquiry or in the property being declared as evacuee property, may file a reply to such written statement. The Custodian shall then, either on the same day or on any subsequent day to which the hearing may be adjourned, proceed to hear the evidence, if any, which the party appearing to show cause may produce and also evidence which the party claiming to be interested as mentioned above may adduce.

(6) After the whole evidence has been duly recorded in a summary manner, the Custodian shall proceed to pronounce his order. The order shall state the points for determination, and the findings thereon with brief reasons.

7. *Notification of Evacuee Property under sub-section (3) of section 7.*—(1) The Custodian, after holding such enquiry, as he deems fit and on being satisfied that a particular property is evacuee property, shall notify the same in the Official Gazette or in any local newspaper or on the Notice Board kept for that purpose in his office. In the last mentioned case, the Custodian may, in addition, cause a copy of the Notification to be affixed on the evacuee property.

(2) The notification shall be in Form 2 and shall give full particulars of the property regarding the location, Municipal numbers, etc. In case of agricultural land, it shall specify, as far as possible, its khasra number and the village where it is situated. Any error or irregularity in the drawing up or the publication of the notification shall not be deemed to detract from the validity of such a Notification or otherwise afford a valid defence to claim of the Custodian to the property as having vested in him.

(3) A list of all such evacuee property brought up-to date in each State shall be published once a year, in the Official Gazette or in such other manner as the Custodian deems fit.

8. *Notice to surrender possession under sub-section (4) of Section 8.*—(1) On the publication of a notification under Rule 7 a notice in Form 3

demanding surrender of possession may be served on the occupant or holder of evacuee property, calling upon him to surrender possession to the Custodian or a person authorised by him in this behalf within the time specified in the notice, provided that in any emergent case, the Custodian may require the occupant to give up possession immediately and the premises may be sealed at once.

(2) A notice under sub-rule (1) shall be signed by an officer not below the rank of Assistant Custodian.

9. *Procedure under Section 9.*—(i) Where a notice has been duly served on the occupant or holder of the property under Rule 8 and the possession is not delivered as required, the officer who issued the notice or any other officer not below the rank of a Deputy Custodian, may issue a warrant of eviction or seizure in Form 4. One copy of the warrant shall be forwarded to the officer in charge of Police Station within the territorial limits of which the property concerned is for the time being, to be found or such other officer as may be in charge of carrying out evictions or seizures, who shall forthwith take steps to effect the eviction or seizure with the use of such force as may be necessary.

(ii) Every police officer to whom a warrant of eviction or seizure is sent for execution shall submit a weekly report to the Deputy Superintendent of Police having jurisdiction and a copy thereof to the Custodian, giving details of number of warrants entrusted to as well as executed by him together with such other particulars as may be necessary.

(iii) A register of warrants shall be maintained by the Custodian and such register shall contain the following particulars :—

(a) Name of owner.
(b) Description of property.
(c) Name of the person against whom the warrant is to be executed.
(d) Date of issue and service of surrender notice.
(e) The final result

(iv) The Custodian, the Additional Custodian or the Authorised Deputy Custodian of his own motion or on the motion of the party aggrieved, may stay any eviction proceeding pending disposal of the appeal against the order declaring the property to be evacuee property.

10. *Mode of taking possession of immovable property.*—(1) Where, any evacuee property, which vests in the Custodian, is in the possession of either the evacuee himself or any other person, whether holding on behalf of or under the evacuee or otherwise, but having no lawful title to the possession of such property enforceable against the Custodian, possession may be taken by evicting the person in possession of such property in accordance with the manner provided in the Act and these Rules.

(2) Where such property is, at the time aforesaid, in the possession of one or more tenants or one or more lessees or licencees whom the Custodian cannot eject or, for any reason, does not want to eject, possession may be taken by serving on the tenants or the lessees or the licensees a notice directing them to pay the rent or the lease-money or the license fee, as the case may be, to the Custodian or to any person authorised by him to receive such payment. The notice may be served in any manner provided in Rule 25.

Where such property is an undivided share in joint property.

(a) If under some arrangement inter se the co-shares, the evacuee was in separate possession of any part of the joint property, possession may be taken of such part in accordance with the manner provided in sub-rule (1) or sub-rule (2), whichever is applicable.

(b) In any other case, constructive possession may be taken by affixing a copy of the warrant for possession on a conspicuous part of the property, and if considered necessary by proclamation, by beat of drum in the locality in which the property is situated :

Provided that where the share of the evacuee in such property exceeds one-half of the whole property, possession of the whole property may be taken in the manner provided in sub-rule (1) or sub-rule (2) whichever is applicable.

11. *Mode of taking possession of tangible movable property.*—Where the property to be taken possession of is tangible movable property, possession may be taken by actual seizure and after such seizure the Custodian may either keep the property in his own custody or entrust it to a supurdar on the latter furnishing security in Form No. 5. Provided that where the property is subject to speedy or natural decay or the expense of keeping it is likely to be out of proportion to its value, the Custodian may sell it forthwith.

12. *Mode of taking possession of other movable property.*—(1) Where property to be taken possession of is a debt or a legacy or interest payable on a debt or a legacy, possession may be taken by serving the party liable with a notice, requiring such party to pay the same to the Custodian or any other person authorised by him to receive the payment.

(2) Where such property is a share in a joint-stock-company, not being a joint-stock-company referred to in sub-clause (2) (ii) of clause (f) of Section 2 of the Act, possession may be taken by informing the principal officer of such company that the share has vested in the Custodian.

(3) Where such property consists of Government or other securities, stock, or debentures, possession may be taken by serving upon the appropriate authority a notice requiring such authority to make all payments in respect of such securities, stock or debentures to the Custodian or any other person authorised by him in this behalf.

(4) Where such property is a running business or a share in such business, the Custodian may take possession of the stock in-trade and other assets of the business and may further take such steps as he considers necessary either for the continuance or for the winding up of such business.

13. *Preparation of inventory of movable property.*—Where the Custodian takes possession of any movable property including any stock-in-trade or plant or machinery or any undertaking, he shall cause an inventory to be prepared of the property in Form No. 6, in triplicate, in the presence of not less than two residents of the locality. The inventory shall be signed by the person by whom it was prepared and each of the two witnesses and shall be countersigned by the Custodian. One copy of the inventory shall be made over to the supurdar (if any) and two copies shall be retained by the Custodian.

14. *Cancellation or variation of leases and allotments.*—(1) The Custodian shall not ordinarily vary the terms of a lease subsisting at the time he takes possession of immvoable property or cancel any such lease and evict a person who is lawfully in occupation of such property under a lease granted by the lessor before he became an evacuee and not in anticipation of becoming an evacuee unless the Custodian is satisfied that the lessee has done or omitted to do something which renders him liable to eviction under any law for the time being in force.

(2) In case of a lease or allotment granted by the Custodian himself, the Custodian may evict a person on any ground justifying eviction of a

tenant under any law relating to the Control of Rents for the the time being in force in the State concerned, or for any violation of the conditions of the lease or the allotment.

(3) The Custodian may evict a person who has secured an allotment by mis-representation or fraud or if he is found to be in possession of more than one evacuee property or in occupation of accommodation in excess of his requirements

(4) Before cancelling, or varying the terms of a lease or, before evicting any lessee the Custodian shall serve the person or the persons concerned with a notice to show cause against the order proposed to be made and shall afford him a reasonable opportunity of being heard.

(5) Nothing in this rule shall be deemed to abridge or limit the power of the Custodian to cancel, or vary the tems of a lease relating to evacuee property, or to evict a lessee of such property where he is of the opinion that, for reasons to be recorded in writing it is necessary or expedient to do so for the preservation, or the proper administration or the management of such property or for carrying out any other object of the Act.

15. *Procedure for restoration of property.*—(1) A person applying for restoration of evacuee property shall state in the application the names of the persons interested in the property sought to be restored and the facts on which the claim for restoration is based.

(2) The application shall be verified in the same manner as a plaint under the Code of Civil Procedure 1908.

(3) The application shall be accompanied by a certificate from the Central Government or an authorised person as provided in the Proviso to sub-section (1) of section 16.

(4) A notice of the application shall be given to the party or parties named therein and any other person who may otherwise appear to the Custodian to be interested in the property.

(5) A public notice of the application shall also be issued in a local daily or weekly newspaper at the expense of the applicant.

(6) The applicant shall, before any order for restoration is made, produce a "No demand Certificate" from the relevant branches of the office of the Custodian.

(7) On the date fixed, the Custodian shall hold *an enquiry as nearly* as may be in the manner *prescribed in Rule* 5 into the matters raised in the Application for restoration or in any written statement filed by any other party.

16. *Terms and conditions which a Custodian may impose while making an order for restoration of property under section 16.*—Without prejudice to the generality of the provisions contained in section 16 on the subject, a Custodian may, while making an order for the restoration of any evacuee property under that section, impose any terms or conditions which he considers to be just and proper, having regard to the commitments already made, or action already taken by him in the exercise of his functions under the Act, or which otherwise seem to be necessary for carrying out the purpose of the Act.

17. *Enquiries under Section 19.*—A notice under section 19 shall briefly specify the grounds on which, and the provision of the Act under which a person is called upon to show cause why he should not be declared an "intending evacuee". Subject to this rule, the same procedure as is laid down in Rule 5 will be followed in an enquiry under the aforesaid section.

18. *Enquiries under section 22* —(1) If an intending evacuee contravenes the directions given to him by the Custodian or acts contrary to any of the provisions of the Act, or if there is reason to believe, on a consideration of the facts disclosed during the course of the enquiry under Section 19 or otherwise, that he had, after the 14th day of August, 1947, and before the 18th day of October, 1949, done any of the acts referred to in the explanation to Section 22 of the Act) or hereinafter prescribed as constituting a preparation for his migration to Pakistan, the Custodian shall serve him with a notice to show cause why his property or properties should not be taken over as evacuee property.

(2) In addition to the circumstances mentioned in the explanation to Section 22 of the Act, the following shall be deemed to constitute a preparation for migration to Pakistan—

(i) disposal of the bulk of one's house-hold effects,

(ii) disposal of assets essential to one's profession, practice or calling or trade such as the disposal of medical books and equipment by a doctor, the disposal of law books by a practising lawyer and the disposal of his stock-in-trade by a trader, and

(iii) disposal of the tools and instruments by which a person earns his livelihood.

(3) After a notice has been served as provided in Rule 17, if the person fails to appear on the date specified in the notice, the Custodian shall proceed to give his findings *ex parte*.

(4) If the party appears and puts in objections, his objections shall be decided after giving him a reasonable opportunity of adducing evidence in support of his objections. The Custodian may in his discretion allow any other party to produce evidence in rebuttal of such evidence and may himself call such evidence as he deems fit.

(5) After hearing all the evidence, the Custodian shall proceed to pronounce his order.

19. *Enquiries under Section 23.*—(1) An enquiry under Section 23 may be initiated either on an application made by any person conversant with the facts of the case or on information otherwise received by the Custodian.

(2) Such enquiry shall not be held by an officer below the rank of a Deputy Custodian.

(3) An application for an enquiry under sub-rule (1) shall, as nearly as may be, be in the form of a plaint under the Code of Civil Procedure, 1908.

(4) On receipt of an application or information as aforesaid, a notice, accompanied by a copy of the application or a summary of the information as the case may be, shall be served on the intending evacuee concerned to show cause why he should not be required to pay the deficiency in the value of the property.

(5) The procedure laid down in the Code of Civil Procedure 1908 for the trial of civil suits shall, as far as possible, be followed in the proceedings subsequent to the service of the notice hereinbefore mentioned.

20. *Procedure for the confirmation of transfers under Section 40.*—(1) An application for confirmation under sub-section (2) of Section 40 shall contain the following particulars, namely :—

(a) Boundaries, Municipal number and location of the property and also Khasra number in case of agricultural land.

(b) Particulars of transfer sought to be confirmed including the dates

of the transfer and registration, if any, the addresses of the parties and the consideration paid or deferred.

(c) Particulars of any previous transfers in respect of the property.

(d) The name and address of the person in possession of the property transferred and the capacity in which such person is in possession.

(2) The application shall be verified in the manner prescribed in the Code of Civil procedure 1908 for verification of pleadings and shall be accompanied by a copy of the transfer deed in question and also a schedule containing the particulars of any other property owned, possessed or transferred by the transferor after 1st March 1947.

(3) The application shall be presented by the transferor or the transferee personally or by any person claiming under, or lawfully authorised by either of them.

(4) The Custodian shall cause a notice in Form No. 7 be served on the transferor or transferee as the case may be, and may further cause a similar notice to be served on any person whom the Custodian considers to be interested in or likely to be affected by, the result of the application

(5) A public notice shall also be published in a daily newspaper at the expense of the applicant.

(6) If any application referred to in sub-rule (1) is pending on the date these Rules came into force, the applicant may within thirty days from such date or within such period as the Custodian may by order specify, amend his application so as to bring it in conformity with these Rules and may also make up the deficiency if any, in the Fee leviable on such application:

Provided that the Custodian on sufficient cause being shown may extend the period prescribed by this sub-rule.

(7) In case the applicant fails to amend the application in accordance with sub-rule (6) the Custodian may dismiss the application or proceed to decide it on the materials before him.

(8) After notices are served in accordance with the provisions of sub-rules (4) and (5) the Custodian shall after a summary enquiry proceed to determine the application.

(9) If a party making an application fails to appear on the date fixed when the case is called for hearing, the Custodian may dismiss the application for default or proceed to decide the application in the absence of the party on the materials before him.

(10) Where the application is dismissed under sub-rule (9) the applicant shall be precluded from making a fresh application on the same facts with respect to the same property. But the applicant may apply within thirty days from the date the order of dismissal is communicated to him for an order setting aside the dismissal and the Custodian, if he is satisfied that there was sufficient cause for non-appearance when the case was called for hearing shall make an order setting aside the order of dismissal upon such terms, as he thinks fit and shall fix a date for proceeding with the application.

(11) The Custodian shall refuse to confirm any transfer which he has reasonable grounds to beleive to be colourable or benami.

21. *Mode of attachment under sub-section (3) of section 19* —(1) Immovable property may be attached by sealing the premises (if necessary) and also by serving a prohibitory order on the person interested not to deal with the property in any manner, whatsoever. A copy of such prohibitory order shall simultaneously be affixed on some conspicuous part of the property in question. In case of agricultural land, attachment shall be

effected by serving on the person interested a prohibitory order as provided above, and by proclaiming the fact of attachment by beat of him in the revenue estate in which such land is situated. Intimation about the attachment may also be sent to the Collector of the District in which the land is situated.

(2) Attachment of movable property capable of immediate physical possession shall be effected by actual seizure of such property. Where, however, the property to be attached does not admit of such possession it may be attached in any manner provided in Order XXI, Rules 44 to 49 of the Code of Civil Procedure 1908 according as the nature of the property may permit. In case of property attached by means of actual seizure, the Custodian may make such order as he thinks just and convenient for its custody. Where, however, the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, he may sell it at once. In such a case, the sale proceeds shall be treated as the property attached.

(3) Where the movable property attached consists of cash or ornaments or other valuables, the Custodian may make such order as he thinks fit for its preservation during the intervening period.

(4) Where, the movable property attached consists of merchandise or stock-in-trade, the Custodian shall without any unreasonable delay, if possible and convenient cause an inventory of the goods attached to be made and also have an estimate made of their approximate value. Where it is not possible or convenient to have an inventory for the goods prepared, the Custodian may only have them evalued. In such cases the Custodian shall make over the goods to the person claiming title thereto or found in possession thereof on his furnishing security for their estimated value.

(5) Where the property to be attached is a business, the Custodian may call upon the person in possession of the business establishment to furnish security for its estimated income for a period of one year or such lesser period as he deems fit and on such person furnishing security shall allow him to continue the business.

In case of the expiration of the period of one year, before the conclusion of the enquiry, the Custodian may ask for security for a further period. The business premises may be sealed if the required security is not furnished within the period specified by the Custodian and may be handed over to a caretaker on his furnishing the requisite security.

(6) Notwithstanding anything contained in this Rule no business or residential premises shall be kept under seal for any period beyond that which is strictly necessary.

22. *Claims by third parties* — (1) Any person claiming the right to receive any payment from any evacuee or from the property of such evacuee, whether in re-payment of any loan advanced or otherwise, may present a petition to the Custodian for registration of his claim. Such application shall be signed and verified by the claimant in the same manner as a plaint is required to be signed and verified under the Code of Civil Procedure 1908.

(2) On receipt of such application the Custodian where he finds the claim to be supported :—

(a) by a decree of a competent Court, or

(b) by a registered deed executed and registered before 14th August, 1947, or by a registered deed executed and registered after such date but

confirmed by the Custodian :
and if he is satisfied that the claim has not been satisfied either wholly or in part, may register the claim or such part thereof as has not yet been satisfied. He may also register a claim proved to have been acknowledged in writing by the evacuee himself before 1st March, 1947, on being satisfied that such claim has not been satisfied. In all other cases he shall direct the claimant to establish his claim in a Civil Court.

(3) The mere registration of a claim shall not entitle the claimant to payment and the Custodian may for reasons to be recorded refuse payment.

(4) No debt incurred by the evacuee before the property vested in the Custodian shall be paid without the sanction of the Central Government or Custodian General.

Explanation.—Nothing in this rule shall debar the Custodian from meeting the day to day expenses incurred in the management of evacuee property and such expenses may be paid without sanction. Sanction of the Central Government or the Custodian General is also not required to the discharge by the Custodian of the legitimate obligation and liabilities incurred in the ordinary course of business of a trading concern carried on by the Custodian whether such liabilities and obligations are incurred before or after the vesting of the business in the Custodian.

23. *Management of Trust Properties.*—Trust properties may be managed by the Custodian in the same manner as other evacuee property, but in case of public trust of religious or charitable nature, recourse may be had to section 92 of the Code of Civil Procedure 1908, if the circumstances so require.

24. *Leases of Evacuee Property.*—Any evacuee property may be leased out by the Custodian for a period not exceeding the period specified in any general or special directions issued by or under the authority of the Central Government.

25. *Method of payment of amounts due to the Custodian.*—(1) Rents, rates, lease money, sale proceeds and other amounts payable to the Custodian in respect of evacuee property under the Act or under these Rules shall be tendered in cash or by postal money order to the Cashier in the office of the Custodian or to any other person who may be authorised by the Custodian in this behalf to receive such money.

(2) The person receiving the money on behalf of the Custodian shall issue a receipt in Form No 8. Receipts issued by the person making realisation on behalf of the Custodian on the spot shall, however, be prepared in Form No. 9 by carbon process by using double-sided carbon paper.

(3) Crossed cheques may, at the discretion of the Custodian be accepted. In case of out-station cheques, the amount of bank commission should also be added to the amount due to the Custodian. No receipt for any cheque shall be valid discharge of any liability unless the cheque is cashed.

26. *Administration and other charges.*—(1) A fee equivalent to 10 per cent. of gross realisations made from evacuee property shall be charged as administration charges from the date on which the property is taken over by the Custodian.

Explanation.—This sub-rule applies to part 'C' States only.

(2) A fee equivalent to 10% of gross realisation made from evacuee property shall be charged on account of maintenance and normal repairs from the date on which the property is taken over by the Custodian.

(3) In addition to normal repairs the Custodian may also spend such

amounts on special repairs to the property as are sanctioned by the Central Government or the Custodian General. Such expenditure on special repairs will in the first instance be met out of the income of the property and if there is not sufficient income, it will be debited against the capital value of the property.

27. *Administration charges for movable property.*—(1) When any movable evacuee property is returned under Section 16 or is otherwise released, administration charges equivalent to 10% of the assessed value of the property shall be charged over and above other charges which have been actually incurred on maintenance, repair, transport or storage of the same.

(2) This rule applies to Part C States only.

28. *Manner of service or publication of notice, summons or order.*—Service or publication of any notice, summons or order under the Act or under these Rules shall be effected in one or more of the following modes namely :—

(1) by giving or tendering it to the person concerned or his manager or agent, if any.

(2) by leaving it at the last known place of business of the person concerned or by giving or tendering it to some adult member of the family.

(3) by sending the notice, summons or order by registered post

(4) by affixing the notice, summons or order on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned or by publication in a daily or weekly newspaper or by proclamation by beat of drum in the locality.

29. *Reference to a Civil Court under section 16.*—The Custodian may refer the applicant to a Civil Court for the determination of his claim and title to the property where there is more than one claimant or where the matter is complicated and it is not in the interests of the parties to have the necessary adjudication in a summary enquiry.

30. *Examination of witnesses.*—The Custodian shall be entitled to issue a commission for recording statement on oath of any person, as provided in Order XXVI of the Code of Civil Procedure.

31. *Appeals, Review and Revisions.*—(1) All appeals under the Act shall, when they lie to the District Judge nominated in this behalf or the Custodian, be filed within thirty days of the date of the order appealed against and when they lie to the Custodian General, within sixty days of such date.

(2) The petition of appeal shall be presented in person or through a legal practitioner or a recognised agent when the appeal lies to the Custodian or a specially nominated District Judge. Where an appeal lies to the Custodian General the petition of appeal may be sent by registered post.

(3) Every petition shall state succinctly the grounds on which the order appealed from is attached and shall be accompanied by a copy of such order unless the appellate authority dispenses with such copy.

(4) Except as otherwise expressly provided in the Act or in these Rules, the procedure laid down in Order XLI of the Code of Civil Procedure 1908 shall, so far as applicable, apply to the hearing and disposal of appeals under the Act.

(5) Any petition for revision when made to the Custodian shall ordinarily be filed within thirty days of the order sought to be revised, while a petition for revision when made to the Custodian General shall ordinarily be made within sixty days of such date. The petition shall be

presented in the same manner as a petition of appeal when it is made to the Custodian but it may be sent by registered post when made to the Custodian General. The petition shall be accompanied by a copy of the order sought to be revised and when made to the Custodian General by also a copy of the original order unless the Revising authority dispenses with the production of any such copy.

(6) An application for review of any order may be made within thirty days of the date of such order and shall be presented either in person or through a legal practitioner or a recognised agent.

(7) The provisions of Sections 4, 5 and 12 of the Indian Limitation Act of 1908, shall, so far as they are applicable, apply in computing the period of limitation provided in this rule.

(8) A notice of any appeal, revision or review may be given, in addition to the person concerned, to any other person who, in the opinion of the authority hearing the appeal, the revision or the review, may be interested in the same.

(9) Any authority hearing any appeal or an application for revision may admit additional evidence before its final disposal or may remand the case for admission of additional evidence and report or for a fresh decision, as such authority may deem fit.

32. *Fees.*—(1) The following fees shall be payable in respect of petitions, applications and appeals under the Act, except those presented or filed by an officer of the Custodian department or any other public officer as such :—

(*I*) *Appeals.*	
(i) to the Custodian General.	Rs. 20
(ii) to the Custodian, Additional Custodian or the specially designated District Judge.	Rs. 10
(*II*) *Petitions* :—	
(i) for revision when made to the Custodian General.	Rs. 10
(ii) for revision when made to the Custodian or Additional Custodian.	Rs. 5
(iii) for review.	Rs. 5
(*III*) *Applications.*	
(i) Under section 16 for restoration of property.	Rs. 10
(ii) Under section 38 for confirmation of transfer.	
(a) Where the consideration for the transfer does not exeeds Rs 1000/-	Rs. 2
(b) Where the consideration for the transfer exceeds Rs. 1000/- but does not exceed Rs. 5000/-	Rs. 5
(c) Where the consideration for the transfer exceeds Rs. 5000/- but does not exceeds Rs. 10,000/-.	Rs. 10
(d) in all other cases.	Rs. 20
(*IV*) (a) Applications under section 23 for an intending evacuee being called upon to pay up the deficiency in the consideration paid by him for an evacuee property in Pakistan.	Rs. 5
(b) application for a copy.	Annas 2
(c) application not otherwise provided for but made in connection with proceedings under section 7, 16, 19, 22 & 40	
(i) when made to the Custodian General.	Rs. 2
(ii) when made to any other officers.	Re. 1
(iii) applications of a miscellaneous nature not otherwise provided for.	Annas 2.

(2) No officer authorised to receive any appeal, petition or application shall receive the same unless fee payable under this rule is paid in such manner as the Central Government from time to time determine.

(3) A register shall be maintained in the office of every Custodian showing the fee paid in respect of every petition, application or appeal, and the entries shall be checked and countersigned by the officer by whom the petition, application or appeal, as the case may be, is heard or by such other officer subordinate to him as he may authorise in this behalf.

33. *Basic record of property to be maintained in property section* —(a) All immovable property taken possession of by the Custodian shall be recorded in a Register in Form No. 10. Similar register shall be maintained with respect to properties of intending Evacuees.

(b) All movable property taken possession of by the Custodian shall be recorded in a register in Form No 11 and a slip in Form No 12 shall be attached to each article. The Officer entrusted with the custody of such property shall be responsible for its safe custody and for protecting it from loss, damage or deterioration. He shall maintain a suitable record of the property taken into custody with a view to facilitating check at any time of the articles in hand with those shown as such in the Registers. He shall also arrange for periodical physical verification of the articles in hand.

(c) The account books, title deeds and other valuables and documents taken possession of by the Custodian shall be noted in the Register of Valuables in Form No. 12 and a slip in Form No 12 shall be attached to each article.

Explanation.- When any property is disposed of by sale or otherwise the details of disposal shall be entered in the appropriate columns of the relevant registers.

34. *Powers of Managers* —The manager appointed under sub-section (2) of section 10 shall act under the general supervision and control of the Custodian and may exercise such powers as may be delegated in writing to him by the Custodian from time to time.

35. *Fees for inpection and copies.*—(1) The following fees shall be payable by a person desirous of obtaining any copy from any record maintained under the Act or these Rules :—

(a)	Certificate of receipts of the cash or duplicate copy of Challan.	Re. 1
(b)	Copy of final original order passed by a Custodian. Challan.	Rs. 2
(c)	Copy of final order passed on appeal, revision or review.	Rs. 3
(d)	Copy of any application, objection petition, affidavit, or statement made by a party or a witness.	Rs 3
(e)	Any other document	Rs 4

(2) Any person interested in any evacuee property may, with the permission of the Custodian, inspect the record relating to such property on payment of a fee of Rs. 2. Any person interested in any original case, appeal, revision or review pending before the Custodian General, or any Custodian may, with the permission of such officer, inspect the record of such case on payment of a similar fee.

(3) Such officer may authorise a person inspecting to take short notes (not verbatim in pencil).

(4) The fees payable under this rule may be paid in a manner as the Central Government may from time to time determine.

36. *Seal.*—The Custodian General and the Custodian shall have a seal which will bear the words Custodian General/Custodian of Evacuee Property.

37. *Restitution*.—When any property taken into possession as an evacuee property is subsequently declared by the Custodian or any other competent authority to be a non-evacuee property, the Custodian may, on the application of any party entitled to the actual possession thereof, take such action as will place the parties in the same position in which they were on the date of possession. For this purpose, the Custodian may order the person in occupation of the property to vacate the same and the Custodian may use such force or authorise the use of such forces as may be necessary for the purpose.

38. *Receipts*.—Income and other receipts on account of Evacuee Property fall under the following categories :—

(A) *Immovable Property*	
(1) Income from Urban Property	(a) Lands (b) Houses (c) Shops (d) Factories, workshops and other commercial undertakings. (e) Miscellaneous
(2) Income from Rural Property	(a) Lands (b) Houses (c) Shops (d) Miscellaneous
(B) *Movable Property*	
(1) Income from Urban Property	(a) Identifiable property (i) Sale proceeds (ii) Other receipts (b) Unidentifiable property (i) Sale proceeds (ii) Other receipts
(2) Income from Rural (including Agricultural) Property.	(a) Identifiable Property (i) Sale proceeds (ii) Other receipts (b) Unidentifiable property (i) Sale proceeds (ii) Other receipts

(C) *Miscellaneous*.

(1) Evacuee's interest in business concerns (*e. g*. Dividends on shares, business profits etc.)

(2) Debt and other payments due to evacuees.

(3) Other receipts.

The head (C) is intended to cover receipts like interest on investment of surplus cash by the Custodian in approved Govt. securities under Section 10(2) (p) of the Act and other receipts which may not be allocated to any other head.

39. *Maintenance of records and registers*.—The following account records and registers shall be maintained by Custodian of Evacuee Property or by Officers authorised to act on their behalf.

(i) An index Register shall be maintained in Form No. 14 in which the names of evacuees shall be entered in alphabetical order. References to the pages of other registers in which the transactions of the evacuee are recorded shall be given on the relevant page of this register.

(ii) A personal account shall be maintained in Form No. 15 for each evacuee in a bound register, with an index in an alphabetical order. Suffi-

cient number of pages shall be set apart for each evacuee. The monthly total of receipts and payments as recorded in the several individual registers shall be posted into the personal account of each evacuee at the end of each month, figures of administration charge and custodian's fee being posted separately as distinct from totals of other expenditure.

(iii) A receipt and expenditure account of immovable property shall be maintained in Form No. 16 for recording complete details of receipts and payments of all evacuee immovable property other than agricultural land, and it shall also show, the name of the owner, full specifications of property and assessed rent recoverable in respect of each item. Particulars of factories and workshops shall be recorded in a separate register in the same form. A separate account of receipts and expenditure shall be maintained in Form No. 17 in respect of Agricultural property. The entries in the registers shall be attested by the officer checking them.

(iv) Account of receipt and expenditure on account of movable property belonging to each evacuee shall be maintained in Form No. 18. Separate registers shall be maintained in respect of identifiable and unidentifiable property. Disposal of this property by auction, sale or otherwise when made shall be indicated in this register. The results of the verification of ground balances of the articles with the book balances shall be recorded in this register. When the property is sold or leased by public auction the bids shall be recorded in the sales register (Form No. 19), the signature or thumb impression of the last bidder being obtained in column 11 of the form.

Note.—The intermediate bids in respect of property liable to fetch not more than Rs. 100/- may not be recorded in the register.

(v) Account of receipt and expenditure in respect of debts or claims due to evacuees shall be maintained in Form No. 20.

(vi) A rent demand and collection register for immovable property (other than Agricultural) shall be maintained in Form No. 21 for showing the rent assessed on immovable property let out on rent and the amount of rent actually realised.

(vii) A miscellaneous demand and collection register shall be maintained in Form No. 22 for recording recovery of amounts other than those recorded in the Rent Demand and Collection Register.

(viii) Income arising from the interest of evacuees in business concerns, *e. g.* Shares in business profits, shall be accounted for in a register in Form No. 23.

(ix) In respect of agricultural land a register of demand and collection shall be maintained in Form No. 24. Demand in respect of all items brought on to the property register for agricultural land shall be recorded in this register, the name of evacuee owner, the allottee and the monthly rent fixed for each item of property shall also be shown therein Demands, which will be collected by issue of rent bills, and the realisations effected, shall be noted in the columns provided for the purpose.

(x) The Demand and Collection registers shall be reviewed and closed at the end of each year and the out-standing balances shall be struck and carried forward to the registers of the succeeding year. A certificate to the effect that all recoverable demands of the year have been noted in the registers and that the balances have been correctly carried forward to the succeeding year's registers shall be recorded at the end of each register by a responsible officer.

(xi) A statement showing demands to the end of previous month.

recoveries made during the current month and the out-standing balances shall be forwarded to the Ministry of Rehabilitation, Government of India, through the Custodian General not later than the 15th day of the succeeding month and causes of arrears if any and steps taken to clear them shall be explained in the statement.

(xii) A cash book in Form No. 25 shall be maintained to show all transactions of receipts and payments relating exclusively to evacuee property. Amounts received or paid on account of evacuee property shall be entered in the cash book on the dates on which they are received or paid. The cash book shall be closed daily and the entries therein shall be checked and initialled daily by the Custodian or an authorized Gazetted Officer. Cash in hand shall be deposited promptly into the Treasury. The cash in hand shall be verified at the end of each month by the Custodian or by any other Gazetted Officer nominated by him for the purpose and he shall record a signed and dated certificate to this effect in the cash book. In addition, surprise checks shall be made frequently at irregular intervals. The balance in the treasury column of the cash book, at the end of each month, shall be reconciled with the balance shown in the Treasury pass book.

40. All receipts relating to evacuee property shall, as a general rule, be credited into the Treasury to a Personal Deposit account opened in the name of the Custodian of Evacuee Property or other officer authorized by Government in this behalf. This deposit account shall be designated "Deposits of Custodians of Evacuee Property" and shall be opened under Section "P—Deposits and Advances—Civil Deposits Personal Deposits" in the Central Section of the accounts. The total of the ledger balance as extracted in Form No. 28 shall be reconciled with the total of the balance in the cash and treasury columns of the cash book If there is any difference it shall be investigated and reconciled. (see also note rule 45).

As an exception to the above rule, sale proceeds and other receipts of unidentified evicuee movable property shall not be credited to the Personal Deposit Account of the Custodian of Evacuee Property, but shall be deposited after deducting administration charges and custodian's fee into the Treasury in favour of the Deputy Accountant General, Food & Rehabilitation, Delhi, for credit under a distinct Suspense head 'Sale proceeds of unidentified evacuee movable property" subordinate to Section P—Deposits and Advances, Part IV Suspense. When such receipts are deposited into the treasury, they shall be shown as creditable to the Deputy Accountant General, Food & Rehabilitation, New Delhi, to whom a copy of the Treasury Challan (marked original) shall be forwarded in advance to enable him to watch the credits.

41. *Payments* —Where repairs etc. to Evacuee Property are carried out by the Public Works Department, the Executive Engineer concerned shall send a schedule in Form No. 26 showing the charges incurred by him on such repairs, etc. These charges shall be debited to the account of the property of the Evacuee owner concerned. Where, however, the allottees in occupation of evacuee property are permitted by the Custodian to carry out minor repairs and to set off the amount of expenditure actually incurred against the rent due, the gross amount of the rent shall be entered in the relevant demand and Collection Register while the cost of repairs shall be noted in the appropriate column in the account of the property of the evacuee concerned.

42. *Municipal and other taxes paid in respect of evacuee property shall be debited to the account of the property of the evacuee concerned.*

43 *Payment by Custodian.*—(1) No payment shall be made except after the payee has presented his claim and the Custodian or an officer duly authorised by him in this behalf, after checking the same, has passed order of payment thereon.

(2) All payments shall ordinarily be made by cheque, crossed cheque as far as possible, signed by the Custodian or any person authorised by him in writing in this behalf, provided that if the amount involved does not exceed Rs. 50 the payment may be made in cash.

Note 1.—Cheque Books shall remain in the custody of the Custodians or any other officer who may be authorised by him in writing.

Note 2.—No cheque shall be drawn unless it is required for immediate delivery to the person to whom money is to be paid.

Note 3 —The bills shall be numbered serially for each month and shall after payment be stamped as under :—

Paid *vide* cheque No. Dated
in cash

(Sd.) Accountant
Cashier.

Note 4.—The bill shall, after payment, be filed and kept on record for audit.

44. At the close of each month, figures for the administration charges and custodian's fee debited to the Personal Ledger Account of the evacuee [*vide* rule 39 (1)] shall be consolidated in Form No. 27. The monthly totals of gross realisations and "administration charges and Custodian's fee" as worked out in this register shall be reconciled with the corresponding figures in the classified Abstract Form No. 29. A cheque for the total amount of "administrative charge and Custodian's fee" for the month shall be drawn by the Custodian against his Personal Deposit Account which will be paid by the Treasury by transfer credit to the head "XLVI—Miscellaneous—Miscellaneous" 'Central' or 'State' according as the Custodian is a Central or State Government officer.

45. The total monthly debits and credits in each ledger account shall be entered in a register in Form No. 28, any difference between the total credits and debits as per this register shall be agreed with the difference of total receipts and payments posted in the classified abstract in respect of the deposit head.

Note.—A certificate that the balances in the Personal Ledger account of the evacuees have been reconciled with the cash in hand plus the amount shown in the treasury column of the cash book (vide rule 40) and with the classified abstract (as provided above) shall be submitted by the end of month following that to which the accounts relate, to the Ministry of Rehabilitation, Government of India, through the Custodian General.

46 Each Custodian of Evacuee Property shall compile monthly a classified abstract in Form No. 29 and work out the progressive totals for the whole year in a consolidated abstract in Form No. 30. A copy of the Classified Abstract for the month shall be sent to the local Accountant General by the end of next succeeding month.

47. Each Custodian of Evacuee Property shall forward to the local Accountant-General, within two months after the close of each half year ending June and December a statement in Form No 31 showing receipts credited and expenditure debited to his Personal Deposit Account in the treasury during the half year. This statement, of which five copies shall be prepared, shall be accompanied by an abstract, in duplicate, showing credits into and payments from each treasury during each

month of the half year supported by Treasury officer's acceptance of the receipts into and payments from the treasury. The total of this abstract should tally with the net total of receipts and payments shown in the half yearly statement, and if there is any difference, it should be explained in detail.

Note.—The statement for the present will be prepared in two parts (i) for "agreed" areas and (ii) for the "non-agreed" areas.

48. If a form different from that prescribed in these rules is used, the prior approval of the audit officer who is responsible for the local audit of the accounts shall be obtained

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[For Forms *see* Gazette of India, 1950, Part II-Sec. 3, pages 848—876. *Editor.*]

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 9th December 1950.

MINISTRY OF REHABILITATION.

Delhi, the 29th November 1950.

S. R. O. 1015.—In exercise of the powers conferred by section 16 of the **Displaced Persons (Claims) Act, 1950** (XLIV of 1950), the Central Government is pleased to direct that the following amendments shall be made in the Displaced Persons (Verification of Claims) Rules, 1950, namely :—

I. In the said Rules for rule 17 the following shall be substituted, namely :—

17. Service of notice or order :—

(1) Every notice or order under these rules shall be served upon the claimant by ordinary post under certificate of posting or by registered post acknowledgement due, or if the claimant happens to be in the same station as the Claims Officer, at the discretion of the Claims Officer, by the office peon.

(2) A notice or order shall be deemed to have been duly served if it has been sent in the manner prescribed in sub-rule (1), to the last address supplied by the claimant ;

Provided, however, that where the notice or order is sent by ordinary post under postal certificate, the Claims Officer shall not *ordinarily* enforce the consequences of non-compliance with the notice or order

II. In the Schedule to the Rules in Form A, B and C, the words "By Registered Post/AD" at the top left-hand corner shall be deleted.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 16th December 1950.

MINISTRY OF EXTERNAL AFFAIRS.

New Delhi, the 11th December 1950

S. R. O. 1041.—In exercise of the powers conferred by sub-section (*i*) of section 215 of the **Indian Merchant Shipping Act, 1923** (XXI of 1923), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Pilgrim Ships Rules, 1933 the same having been previously published as required by sub-section (3) of the said section, namely :—

In the said Rules—

(1) in sub-rule (1) of rule 124, for the words "the Central Government" the words "the Government of the State concerned" shall be substituted.

(2) in sub-rule (1) of rule 125 for the words "the Central Government", the words "the Government of the State concerned" shall be substituted.

MINISTRY OF STATES

New Delhi, the 6th December 1950.

S. R. O. 1044.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950 (XXX of 1950)** the Central Government is pleased to extend to the State of Vindhya Pradesh the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 (Central Provinces and Berar Act XI of 1946), as in force for the time being in Madhya Pradesh subject to the modification specified in the Schedule annexed hereto.

2. The Rewa State Rent Control Ordinance, 1946, shall stand repealed with effect from the date on which the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 comes into force in Vindhya Pradesh.

SCHEDULE

1. For sub-sections (2) and (3) of Section 1 the following shall be substituted, namely :—

(2) It extends to the whole of the State of Vindhya Pradesh.

(3) It shall come into force on some date as the Chief Commissioner of Vindhya Pradesh may, by notification in the Official Gazette, direct.

2. For Section 3 the following shall be substituted, namely :—

3. Every order made or action taken under the Rewa State Rent Control Ordinance, 1946, shall continue in force and be deemed to have been made or taken under this Act until superseded or modified by an order made or action taken under this Act.

CENTRAL PROVINCES AND BERAR ACT NO XI OF 1946.

THE CENTRAL PROVINCES AND BERAR REGULATION OF LETTING OF ACCOMMODATION ACT, 1946.

(Received the assent of the Governor General on the 28th September 1946; assent first published in the Central Provinces and Berar Gazette, extraordinary on the 1st October 1946.)

An Act to provide for Regulating the Letting and Sub-letting of Accommodation in the Central Provinces and Berar.

Preamble.—WHEREAS it is expedient to make provision for regulating the letting and sub-letting of accommodation and other ancillary matters hereinafter specified;

It is hereby enacted as follows :—

1. *Short title, extent and commencement*—(1) This Act may be cited as the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946.

(2) It extends to the whole of the Central Provinces and Berar.

(3) It shall come into force on the first October 1946 and shall remain in operation for a period of one year.

2. *Regulation of letting and sub letting etc.*—The Provincial Government, may by general or special order which shall extend to such areas as the Provincial Government may, by notification, direct, provide for regulating the letting and sub-letting of any accommodation or class or classes of accommodation whether residential or non-residential, whether furnished or unfurnished and whether with or without board and in particular,—

(a) for controlling the rents for such accommodation either generally

or when let to specified persons or classes of persons or in specified circumstances,

(b) for preventing the eviction of tenants or sub-tenants from such accommodation in specified circumstances,

(c) for requiring such accommodation to be let either generally, or to specified persons or classes of persons, or in specified circumstances, and

(d) for collecting any information or statistics with a view to regulating any of the aforesaid matter.

3. *Continuance of orders*.—Every order made under sub-rule (2) of rule 81 of the Defence of India Rules in respect of any of the matters specified in section 2, which having been notified in the official Gazette was in force immediately before the commencement of this Act shall, so far as it could validly have been made by the Provincial Government under the said section, continue in force and be deemed to have been made under that section until it is superseded or modified by the Provincial Government under the provisions of this Act and action taken under any such order shall also continue in force until superseded or modified by competent authority

4. *Attempts, etc. to contravene orders*.—Any attempt to contravene any order made or deemed to be made under section 2 shall be deemed to be a contravention of that order

5. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by the person aggrieved by such offence or by a person who is a public servant as defined in section 21 of the Indian Penal Code.

6 *Effect on orders inconsistent with other enactments*.—Any order made or deemed to be made under section 2 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

7. *Jurisdiction of civil courts and revenue officers*.—No Civil court, tribunal, or revenue officer, other than an officer or authority empowered under an order made or deemed to be made under section 2 shall have any jurisdiction by way of appeal or revision in respect of any order passed by any authority empowered in that behalf by any such order in respect of any matter specified in section 2.

8. *Punishment*.—If any person contravenes any order made under this Act, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 12th December 1950.

S. R. O. 1049.—In exercise of the powers conferred by section 22 of the **Supply and Prices of Goods Ordinance, 1950** (XXVI of 1950), the Central Government is pleased to direct that the powers conferred on it by sub-section (2) of section 10 of the said Ordinance, shall, subject to any general or special order of the Central Government, be exercisable also by the Joint Director of Industries and Commerce, Madras.

S. R. O. 1051.—In exercise of the powers conferred by section 22 of the **Supply and Prices of Goods Ordinance, 1950** (XXIV of 1950), the Central Government is pleased to direct that the powers conferred on it under the said Ordinance and specified in column 2 of the Schedule hereto annexed shall, subject to any general or special order of the Central Government, be exercisable also within their respective jurisdictions by

the officers and authorities specified in the corresponding entry in column 1 of the said Schedule.

THE SCHEDULE

Officers and authorities	*Powers*
The Director of Civil Supplies in the State of Madhya Bharat.	Powers under clause (a) of section 13.
The Deputy Director of Civil Supplies in the State of Madhya Bharat.	Powers under clauses (a) and (b) of section 13 and sub-section (2) of section 19.
The Director of Civil Supplies, Himachal Pradesh.	Powers under sub-section (1) of section 10 and sub-section (2) of section 19.
All District Magistrates in the State of Himachal Pradesh.	Powers under sub-section (1) of section 10, clause (b) of section 13 and sub-section (2) of section 19.

S. R. O 1052.— In exercise of the powers conferred by section 22 of the **Supply and Prices of Goods Ordinance, 1950** (XXVI of 1950), the Central Government is pleased to direct that the powers conferred on it under the said Ordinance and specified in column 2 of the Schedule hereto annexed shall, subject to any general or special order of the Central Government, be exercisable also within their respective jurisdictions by the authorities specified in the corresponding entry in column 1 of the said Schedule

THE SCHEDULE

Authorities	*Powers*
All Assistant Enforcement Officers in the State of Rajasthan. All Enforcement Inspectors of the Civil Supplies Department of the State of Rajasthan.	Sub section (2) of section 19.
All Deputy Commissioners in the State of Vindhya Pradesh.	Sub-section (1) of section 10 and clause (a) of section 13.
The Director of Food and Civil Supplies in the State of Vindhya Pradesh	Sub-section (1) of Section 10, Clause (a) of section 13 and sub-section (2) of section 19.

S. R. O. 1053.—In pursuance of section 17 of the **Supply and Prices of Goods Ordinance, 1950** (XXVI of 1950), the Central Government is pleased to empower the Officers specified in column 1 of the Schedule hereto annexed to sanction prosecutions under the said Ordinance, within the territorial limits specified in the corresponding entry in column 2 thereof

THE SCHEDULE

Designation of Officers	*Territorial limits*
The Deputy Director of Civil Supplies in the State of Madhya Bharat.	The whole of the State of Madhya Bharat.
All District Magistrates in the State of Himachal Pradesh.	Within their respective Districts.

S. R. O. 1054 —In exercise of the powers conferred by sub-section (1) of section 16 of the **Supply and Prices of Goods Ordinance 1950** (XXVI of 1950), the Central Government is pleased to authorise the officers specified in the Schedule hereto annexed, to exercise within their respective jurisdictions, the powers conferred by the said sub-section.

THE SCHEDULE

The Deputy Director of Civil Supplies in the State of Madhya Bharat.
All District Magistrates in the State of Himachal Pradesh.

Published in the Gazette of India, Pt. II-Sec 3, dated 16th December 1950.

MINISTRY OF AGRICULTURE

New Delhi, the 11th December 1950

S. R. O. 1057.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to make the following Order :—

1. *Short title, extent and commencement*—(1) This Order may be called **the Arable Land (Utilisation for Foodcrops) Order, 1950.**

(2) It extends to the following Part C States :—

(i) Himachal Pradesh.
(ii) Vindhya Pradesh.
(iii) Bilaspur.
(iv) Tripura.
(v) Manipur.

(3) It shall come into force in any of the above mentioned Part C States on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint

2. *Definitions*—In this Order—

(a) 'Collector' means the Chief Officer in charge of the revenue administration of a district and includes a Deputy Commissioner and any officer specially appointed by the Chief Commissioner to perform the functions of the Collector under this Order.

(b) 'Food Crop' means the crop of any cereal, gram, pulse, vegetables and includes the crop of any other article used as food which the Chief Commissioner may, by notification in the official Gazette, specify ;

(c) 'holder of land' includes a lessee and a tenant

3. *Power of Collectors to cause arable land to be cultivated with food-crops.*—(1) The Collector of a district may, for the purpose of increasing the cultivation of foodstuffs in the district, by notice in writing, call upon the holder of any arable land situated in the district which has not been cultivated during the cultivation season immediately preceding the date of the notice to cultivate such land by himself or through tenants with any food crop.

Provided that the Collector shall not issue any such notice in respect of any such land which, under any law for the time being in force is reserved in the year immediately preceding the date of the notice, for any of the following purposes ;—

(a) pasture land ;
(b) crushing floor ;
(c) irrigation tank ; or
(d) any other public purpose.

(2) Where the holder of any arable land satisfies the Collector within fourteen days from the date of the service of a notice issued under sub-clause (1) that the land is not capable of being cultivated with any food crop or is being cultivated with a food crop, the Collector may cancel such notice.

(3) Subject to the provision of sub-clause (2), the holder of any arable land upon whom a notice is served under sub-clause (1) shall comply with such notice within a period of three months from the date of the service of such notice.

(4) The Collector may, on sufficient cause being shown from time to time, extend the time prescribed by sub-clause (2) or sub-clause (3).

(5) A notice under this clause may be served on the holder of any arable land by delivering or tendering to him a copy thereof.

Provided that where the holder of such land is not readily traceable or refuses to accept a copy of such notice, the notice may be served by affixing a copy thereof on the last known place of residence of such holder of land or on a conspicuous part of the land to which it relates

4. *Consequences of failure to comply with notices issued under clause (1)*—(1) Where the holder of any arable land has failed to comply with a notice issued under clause (1), the Collector may grant a lease of the land in respect of which the notice is issued to such person as he may deem fit.

(2) Every such lease shall ordinarily be for a period of three years and shall contain a condition that the land is leased for the cultivation of any food crop.

(3) The amount of lease money received by the Collector in respect of a lease granted under this clause shall, after deduction therefrom of the land revenue and any other dues of Government, be paid to the person or persons interested in the land by way of compensation

Explanation – Where such compensation is payable to more than one person, the Collector shall apportion the compensation among them in such manner as he may deem fit

(4) Where a lessee fails to cultivate any land let to him under this clause with any food crop, the Collector shall forthwith terminate the lease and in such a case the lessee shall be liable for payment of such compensation to the Collector for the breach of the terms of the lease, as the Collector may determine

(5) The amount of compensation determined under sub-clause (4) may be recovered from the lessee as an arrear of land revenue

5 *Supervision and Control of Chief Commissioner.*—(1) The Chief Commissioner shall exercise supervision and control over all powers conferred upon Collectors by this Order and may revise any act or proceeding of any such Collector made under this Order.

(2) The Chief Commissioner may from time to time issue such instructions and directions for the guidance of Collectors for carrying out the provisions of this Order as he may deem fit.

Published in the Gazette of India, Part II-Sec. 3, dated 23rd December 1950.

MINISTRY OF REHABILITATION

New Delhi, the 1st December 1950

S. R. O. 1093.—In exercise of the powers conferred by sub-section (2) of section 25 of the **Administration of Evacuee Property Act, 1950** (XXXI of 1950), the Central Government is pleased to make the following amendments in the Schedule to the notification of the Government of India in the Ministry of Rehabilitation, No. 14 (59) Com/50, dated the 4th October, 1950 namely:—

For the entries set out in column II against items 3 and 4 in column I the following entries shall respectively be substituted:—

"Tikamgarh and Dátia Districts with headquarters at Tikamgarh".

"Shahdol and Satna Districts with headquarters at Satna"

MINISTRY OF WORKS, MINES AND POWER

New Delhi, the 13th December 1950.

S. R. O. 1098 —In exercise of the powers conferred by section 37 of

the Indian Electricity Act, 1910 (IX of 1910), the Central Electricity Board is pleased to make the following amendment to the Indian Electricity Rules 1937, the same having been previously published as required by sub-section (1) of section 38 of the said Act, namely:—

In the said Rules, for sub-rule (2) of Rule 1, the following sub-rule shall be substituted, namely:—

"(2) They extend to the whole of India except Part B States".

Published in the Gazette of India, Extraordinary, Part II-Section 3, dated 23rd December 1950.

MINISTRY OF LAW

New Delhi, the 23rd December 1950.

S. R. O. 1104.—In exercise of the powers conferred by sub-section (2) of section 1 of the Civil Procedure (Amendment) Act, 1922 (IX of 1922), read with sub clause (b) of clause (59) of section 3 of the General Clauses Act, 1897 (X of 1897), the Central Government hereby directs that the first-named Act shall come into force in the State of Coorg on the first day of January, 1951.

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated 26th December 1950.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 26th December 1950.

S. R. O. 1105.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to make the following Order, namely :—

THE NEWSPRINT CONTROL ORDER, 1950[1]

1. (a) This order may be called the Newsprint Control Order, 1950.[1]

(b) It extends to the whole of India, except the State of Jammu and Kashmere.

(c) It shall come into force on the 1st January, 1951.

2. *Definitions.*—In this Order—

(a) "form" means a form appended to this Order ;

(b) "newspaper" means any periodical publication printed on newsprint appearing at regular intervals of not more than one month ;

(c) "newsprint" means white printing paper in reels or in sheets, the fibre content of which comprises not less than 70 per cent. of mechanical wood pulp, and which weighs not less than 40 grammes per square metre ;

(d) "daily newspaper" means a newspaper which is published on not less than 6 days in a week and includes any Supplement or Special edition of such newspaper, whether or not it is separately registered under the Press and Registration of Books Act, 1867 (XXV of 1867) ;

(e) "week" means a period of seven consecutive days beginning on a Monday.

3. No person shall publish any daily newspaper any page of which, including margins and other spaces clear of print, exceeds 432 square inches in area.

4 The total number of pages in the issue of a daily newspaper, published by any person, during any one week shall not exceed sixty.

Explanation.—In computing the number of pages for the purpose of

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1. As corrected by Notification No. S. R. O. 1144, dated 30th December 1950.

this clause, pages of paper other than newsprint shall be excluded.

5. *Submission of returns by proprietors of newspaper.*—Every proprietor of newspaper shall submit to the Secretary to the Government of India, Ministry of Industry and Supply, New Delhi, on or before the 7th day of every month a true return in Form I of the amounts of newsprint held, acquired, consumed and otherwise disposed of by him during the preceding calendar month.

6. *Submission of returns by other persons.*—Every person other than the proprietor of a newspaper carrying on any undertaking which involves the sale, storage or distribution of newsprint, shall, on or before the 7th day of every month submit to the Secretary to the Government of India, Ministry of Industry and Supply, New Delhi, a true return in Form II of the stocks of newsprint held, acquired and disposed of by him during the preceding calendar month.

7. The Central Government may, in any special case, authorise in writing the doing of any act which would otherwise be prohibited by this Order.

FORM I

THE NEWSPRINT CONTROL ORDER, 1951

(Clause 5)

Return of consumption of newsprint for the month of 195 .

Name of the newspaper

Full address

I/We declare that the following is a ture account of the stock of newsprint held, acquired, consumed and otherwise disposed of by me/us during the month of 195 .

	Newsprint in reels		Newsprint in sheets	
	No. of reels	Weight in tons	No of reams	Weight in tons
1. Amount of stock in hand at the end of the last preceding month				
2. Amount of stock acquired during the month from.....				
3. Total of items 1 and 2.....				
4. Amount of stock consumed during the month in the production of newspaper				
5. Amount of stock otherwise disposed of during the month to.....				
6. Total of items 4 and 5.....				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month.....				

Dated 195 . Signature.

FORM II

THE NEWSPRINT CONTROL ORDER, 1951

(Clause 6)

Return of stocks of newsprint for the month of 195 .

Name

Full address

I/We declare that the following is a true account of the stocks of newsprint held, acquired and disposed of by me/us during the month of 195 .

	Newsprint in reels		Newsprint in sheets	
	No of reels	Weight in tons	No. of reams	Weight in tons
1. Amount of stock in hand at the end of the last preceding month.				
2. Amount of stock acquired during the month from.....				
3. Total of items 1 and 2				
4. Amount of stock disposed of during the month.				
5. Amount under item 3 less amount under item 4, being the amount in stock at the end of the month.				

Dated 195 . Signature.

Published in the *Gazette of India*, Extraordinary, dated 30th December 1950.

MINISTRY OF INDUSTRY & SUPPLY

New Delhi, the 30th December 1950

S. R. O. 1145.—In exercise of the powers conferred by Section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the **Newsprint Control Order, 1950,** namely :—

In the said Order :—

I. To sub-clause (d) of clause 2, the following explanation shall be added, namely,—

Explanation :—The expression "special edition" includes a weekly edition whether appearing under the same title as the daily newspaper or a different title.

II. In clause 3, the word "daily" shall be omitted.

III. Clause 4 shall be substituted by the following clause, namely,

"(1) The total number of pages in the issues of a standard-sized daily newspaper during any one week shall not exceed 60 where the newspaper is published on seven days of the week or 48 where it is published on six days of the week and the total number of pages in the issues of any other newspaper during any one week shall not exceed a number which, in the case of a newspaper published on seven days of the week, bears to 60, or, in the case of a newspaper published on six days of the week, bears to 48, the same proportion as the area of the page of such other newspaper bears to 336 square inches.

(2) Where the page of a newspaper varies in size from time to time, the area of the page of the newspaper for the purposes of this clause shall be the area of the largest page.

(3) For the purposes of this clause "Standard-sized daily newspaper" means a newspaper the area of a page of which including margins and other spaces clear of print, is not less than 336 square inches and not more than 432 square inches."

Published in the *Gazette of India*, Part II-Sec. 3. dated 6th January 1951.

MINISTRY OF HOME AFFAIRS

New Delhi, the 30th December 1950

S. R. O. 1.—In exercise of the powers conferred by Sections 17 and 27 of the **Indian Arms Act, 1878** (XI of 1878), the Central Government

hereby directs that the following further amendments shall be made in the Indian Arms Rules, 1924, namely :—

In the said Rules—

A. In Rule 33—

(i) Clause (aa) of sub-rule (1) shall be omitted.

(ii) in Clause (b) of sub-rule 2 the words "or the Chief Commissioner" shall be omitted.

B. In Schedule VI—

item (iii) of entry 11 shall be omitted.

C. In Schedule VIII—

in Forms XVI and XVI-A the words "Chief Commissioner" shall be omitted.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi the 27th December 1950

S. R. O. 4.—In exercise of the powers conferred by section 4 of the **Foreign Jurisdiction Act, 1947** (XLVII of 1947), and of all other powers enabling it in that behalf, the Central Government is pleased to direct that the following amendment shall be made in the Chandernagore (Application of Laws) Order, 1950, namely :—

To the entries in the Schedule annexed to the said Order the following entry shall be added, namely :—

"1908 Explosive Substances Act".

MINISTRY OF STATES

New Delhi, the 29th December 1950

S. R. O. 6.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government is pleased to extend to the State of Vindhya Pradesh the Central Provinces and Berar Sales Tax Act, 1947 (No. XXI of 1947), as in force for the time being in the State of Madhya Pradesh, subject to the following modifications, namely :—

Modifications

1. Throughout the Act except in the title of the Act—

(a) for the words "Central Provinces and Berar" the words "State of Vindhya Pradesh" shall be substituted.

(b) for the words "Provincial Government" the words "Chief Commissioner" shall be substituted.

(c) for the word "Tribunal" the word "Board" shall be substituted.

(d) for the words "High Court" the words "Court of the Judicial Commissioner" shall be substituted.

(e) for the word "Crown" the word "Government" shall be substituted.

2. For sub-section (3) of section 1 the following shall be substituted, namely :—

"(3) It shall come into force on such date as may be notified by the Central Government in the official Gazette".

3. In section 2—

(a) in clause (g) for explanation (II) substitute the following :—

"Explanation (II)—Notwithstanding anything to the contrary in any other law for the time being in force, a transfer of goods, in respect of which no tax can be imposed by reasons of the provisions contained in Article 286 of the Constitution, shall not be deemed to be a sale within the meaning of this clause."

(b) In item (iii) of sub clause (a) of clause (j) after the words "Indian

Electricity Act, 1910" the words "or by any of the Rulers of the Covenanting States now constituting Vindhya Pradesh" shall be inserted.

(c) for clause (k) the following shall be substituted :—

"(k) "Board" means the Board of Revenue, Vindhya Pradesh"

4. After section 28, the following shall be added :—

"29 - *Repeal and Saving*

The Vindhya Pradesh Sales Tax Ordinance No. II of 1949 is hereby repealed.

Provided that the repeal shall not affect—

(a) the previous operation of the said Ordinance, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Ordinance, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said Ordinance had not been repealed :

Provided further that, subject to the preceding proviso, anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by law or scheme framed, Certificate, patent, permit or licence granted or registration effected, under the aforesaid Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act.

5. In schedule II to the Act—

(a) In item 26, for the word "province" the word "state" shall be substituted.

(b) Item 30 shall be omitted.

(c) For item 32, the following shall be substituted :—

"32. Goods on which duty is levied under the Rewa Excise Act of 1921 or Opium Act, 1878".

APPENDIX

* * * *

Published in the *Gazette of India*, Part II-Sec. 3, dated 13th January, 1951

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 9th January 1951

S. R. O. 23.—In exercise of the powers conferred by sections 10, 17 and 27 of the **Indian Arms Act, 1878** (XI of 1878), read with clause 5 of the Chandernagore (Application of Laws) Order, 1950 and all other powers enabling it in that behalf, the Central Government hereby directs that the Indian Arms Rules, 1924, shall apply to Chandernagore.

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 15th January 1951.

MINISTRY OF LAW

New Delhi, the 15th January 1951

S. R. O. 67.—The follwing Order made by the President is published for general information :—

C. O. 27

The Constitution (Removal of Difficulties) Order No. VII (Amendment) Order

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. VII (Amendment) Order.

(2) It shall come into force at once.

2. In paragraph 2 of the Constitution (Removal of Difficulties) Order No. VII, for the words "period of one year", the words "period of two years" shall be substituted.

RAJENDRA PRASAD,
President.

Published in the *Gazette of India*, Part II-Sec. 3, dated 20th January 1951

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 11th January 1951

S. R. O 69 —In exercise of the powers conferred by sub-section (1) of section 269 of the **Code of Criminal Procedure, 1898** (V of 1898), as applied to Chandernagore by the Chandernagore (Application of Laws) Order, 1950, the Central Government hereby directs that the trial of all offences before the Court of Session of Chandernagore shall be by jury.

S. R. O. 70. In exercise of the powers conferred by sub-section (2) of section 269 of the **Code of Criminal Procedure, 1898** (V of 1898), as applied to Chandernagore by the Chandernagore (Application of Laws) Order 1950, the Central Government hereby declares that, in the case of Chandernagore the trial of any offence shall, if the judge, on application made to him or of his own motion so directs, be by jurrors summoned from a special jury list.

Published in the *Gazette of India*, Part II-Sec 3, dated 27th January 1951.

MINISTRY OF STATES

New Delhi, the 17th January 1951

S. R. O. 106.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Himachal Pradesh, the Punjab Pure Food Act, 1929 (Punjab Act VIII of 1929), as in force for the time being in the State of Punjab, subject to the following modifications, namely :—

1. Throughout the Act, for the words "Provincial Government", the words "Chief Commissioner" shall be substitutted.

2. In sub-section (2) of section 1, sub-section (5) of section 7 and sub-section (4) of section 22, for the word "Punjab", the words "Himachal Pradesh" shall be substiuted.

3. Sub-section (5) of section 22 shall be omitted.

* * * *

New Delhi, the 18th January 1951

S. R. O. 107.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Himachal Pradesh the Punjab Trade Employees Act, 1940 (Punjab Act X of 1940), as at present in force in the State of of Punjab subject to the following modifications, namely :—

1. Throughout the Act, except where otherwise specifically provided, for the words "Provincial Government" the words "Chief Commissioner" shall be substituted.

2. For sub-section (2) of section 1, the following shall be substituted :—

"(2) It shall come into force at once."

3. For sub-section (3) of section 1, the following shall be substituted :—

"(3) It shall apply to such places as the Chief Commissioner, Himachal Pradesh, may by notification in the official Gazette direct in this behalf."

4. Clause (i) of sub-section (1) of Section 2, shall be omitted.

5. In clause (a) of Section 2A, for the words "Central or Provincial Government" the words "The Central or State Government" shall be substituted.

6. In Section 17, for the word "Crown" the word "Government" shall be substituted.

ANNEXURE

The Punjab Trade Employees Act, 1940 (X of 1940), as amended by State Ministry's Notification No. 11-J dated January 18, 1951.

* * * *

MINISTRY OF REHABILITATION

New Delhi, the 16th January 1951

S. R. O. 123.—In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949** (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

In para. 2 of sub-rule (iii) of rule 5; of the said Rules, for the word "two" wherever it occurs the word "three" shall be substituted.

—

Published in the *Gazette of India*, Part II-Sec 3, dated 3rd February 1951.

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th January 1951

S. R. O. 134 —In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the Central Government is pleased, to entrust to the Government of Madras, with their consent, the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to acquisitions of land for the purposes of the Union.

MINISTRY OF STATES

New Delhi, the 24th January 1951

S. R. O 135.—In exercise of the powers conferred by section 5 of the **Delhi Special Police Establishment Act, 1946** (XXV of 1946), the Central Government hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the States of Bhopal, Bilaspur, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh for the investigation of classes of offences specified in the notification as for the time being in force, of the Government of India in the Ministry of Home Affairs No. 38/3/48 S. P. E , dated 3rd June 1948 under section 3 of the said Act.

—

Published in the *Gazette of India*, Part II-Sec 3, dated 10th February 1951.

MINISTRY OF STATES

New Delhi, the 1st February 1951

S. R. O. 177.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Tripura the Bengal Agricultural Income-tax Act, 1944 (Bengal Act IV of 1944), as in force for the time being in the State of West Bengal, subject to the following modifications, namely :—

(1) Throughout the Act—

(i) for the words "Provincial Government" wherever they occur (except in sections 3 and 22), the words "Chief Commissioner" shall be substituted.

(ii) except in the short title, for the word "Bengal" wherever it occurs, the word "Tripura" shall be substituted.

(iii) for the words "High Court" wherever they occur, the words "the Court of the Judicial Commissioner in Tripura" shall be substituted.

(iv) for the words "His Majesty in Council" the words "the Supreme Court" shall be substituted.

(v) for the word "Crown" the word "Government" shall be substituted.

(2) In section 1—

(i) for sub-section (2) the following shall be substituted, namely :—

"It extends to the whole of the State of Tripura".

(ii) for sub section (3), the following shall be substituted, namely :—

"It shall come into force at once".

(3) In clauses (1), (6) and (17) of section 2, for the words "British India" the word "India" shall be substituted.

(4) In section 3

(a) after the words "Financial year" the words and figure "beginning with the financial year ending on the 31st March 1951" shall be inserted.

(b) in the proviso to the section, for the words "any Provincial Government" the words "any State Government" shall be substituted.

(c) in the proviso to the section, for the words "or any local authority" the words "including Government of Tripura" shall be substituted.

(5) In section 4 –

(i) for the words beginning with "situated within Bengal" and ending with "the Bengal (Rural) Primary Education Act, 1930, respectively", the following words shall be substituted, namely :—

"situated within the State of Tripura and received by him within or without the State, including any kind of cess payable in respect of such land to such person".

(6) In section 6 –

(i) for the words "any Local Cess or Education Cess" the words "any kind of cess" shall be substituted ;

(ii) in sub-clause (ii) of clause (1), for the words "any local rate or cess including Education Cess" the words "any kind of cess" shall be substituted ;

(iii) the proviso to Clause (2) shall be omitted ;

(iv) sub-section (3) shall be omitted ;

(v) in the Explanation under Clause (7), the words "and includes the Accountant General, Bengal, and any person auditing accounts under his direction and control", shall be omitted ;

(vi) sub-section (8) shall be omitted.

(7) In section 7—

(i) in sub-clause (ii) of Clause (2), for the words "any local rate or cess including Education Cess" the words "any kind of cess" shall be substituted ;

(ii) the proviso to clause (3) shall be omitted ;

(iii) Clause (4) shall be omitted.

(8) In section 14, the words, figures and brackets "(including the trustee or trustees under any Wakf deed which is valid under the Mussalman Wakf Validating Act, 1913)" shall be omitted

(9) In section 21—

(i) for clause (a) of sub-section (1), the following clause shall be substituted, namely :—

"(a) the Commissioner of Agricultural Income-tax, Tripura to be appointed by the Central Government" ;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Except the Commissioner, the other authorities specified in sub-section (1) shall be appointed by the Chief Commissioner, Tripura."

(10) In section 22—

(i) for the words "Provincial Government" the words "Central Government" shall be substituted.

(ii) in sub-section (1), the following words shall be inserted at the end :—

"including a Judicial member who shall be a person who has exercised the powers of a District Judge, or who possesses such qualifications as are required for appointment to the Post of District Judge".

(iii) sub-section (2) shall be omitted.

(11) After section 22, the following proviso shall be inserted, namely :—

"The Commissioner of Agricultural Income-tax and the Appellate Tribunal shall be under the administrative control of the Chief Commissioner, Tripura".

(12) In sub-section (2) of section 26 for the figures "1945", the figures "1951" shall be substituted.

(13) In sub-section (2) of section 49—

(i) for the word "Province" the word "State" shall be substituted.

(ii) the word "State" except in the phrase "Indian State" shall be omitted.

(14) In clause (ii) of sub-section (2) of section 58, the word "British" shall be omitted.

(15) Sub-sections (1) and (5) of section 64 shall be omitted.

Published in the *Gazette of India*, Part II-Sec. 3, dated the 3rd March 1951.

MINISTRY OF STATES

New Delhi, the 14th February 1951

S. R. O. 273.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Kutch, the Bombay Local Boards Act, 1923 (Bombay Act VI of 1923) as at present in force in the State of Bombay subject to the following modifications, namely :—

1. Throughout the Act—

(i) except where otherwise provided specifically, for the words "State Government" the words "Chief Commissioner" shall be substituted and for the word "Commissioner" the word "Collector" shall be substituted ; and

(ii) references to any Bombay Act shall be construed as references to such Act as applied to Kutch.

2. For sub-section (2) of section 1, the following shall be substituted, namely :—

"(2) It extends to the whole of the State of Kutch."

3. In—

(i) Sub-section (2) of section 11,

(ii) Sub-section (3) of section 18,

(iii) Proviso to sub-section (4) of section 61A,
(iv) Section 77,
(v) Sub-section (2) of section 125,
(vi) Sub-section (3) of section 126

for the word "Commissioner", the words "Chief Commissioner" shall be substituted.

4. (i) Section 2;

(ii) Sub-section (5) and the words "and the Commissioner" in sub-section (6) of section 3A;

(iii) Sub-section (4) of section 4;

(iv) In sub-section (2) of section 11, the words "and also upon the past decision of the Collector under section 22 of the Bombay Local Boards Act, 1884 or under section 13";

(v) In section 15—
(a) Clause (a) of sub-section (1);
(b) Sub-section (2);
(c) Clause (1) of the Explanation;

(vi) Proviso to sub-section (1) of section 19;

(vii) The word "Commissioner" in clause (d) of sub-section (1) of section 23;

(viii) Section 28A;

(ix) The words "through the Commissioner" in sub-section (2) of section 32;

(x) Clause (b) of section 75;

(xi) The words "Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930", in sub-section (1) of section 92;

(xii) Section 97;

(xiii) The words "When the property is in the city of Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay: provided that the Registrar may endorse such warrant to a subordinate officer" in section 107;

(xiv) The words "or Registrar" in section 111;

(xv) The words "Commissioner" in sub-section (1) of section 124;

(xvi) Sub-section (3) of section 125;

(xvii) The words "the Commissioners" wherever occurring and the word "and" after the words "the Commissioners" occurring for the first time in section 132

shall be omitted.

5. In the first proviso to section 75, for the words "the Commissioner, if the districts are in one division, and the State Government if they are in different divisions" the words "Chief Commissioner" and for the words "he or it" the word "he" shall be substituted.

6. In clause (b) of sub-section (i) of section 94 for the words "Land Revenue (No. 1) Act, 1863, or the Exemptions from the Land Revenue (No. 2) Act, 1863", the words "the Bombay Land Revenue Code, 1879" shall be substituted.

7. In section 95, for the words "under the provisions of the Bombay Irrigation Act, 1879" the words "by the Irrigation Department, Kutch" shall be substituted.

8. In section 99—

(a) in clause (b) the words beginning with "save as provided in" to the end of that clause; and

(b) the last paragraph of the section beginning with the words "until

provision to the contrary" shall be omitted.

ANNEXURE

* * * *

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 21st February 1951

S. R. O. 285.—In exercise of the powers conferred by sub-clause (b) of Clause 2 of the **Iron and Steel (Scrap Control) Order 1943,** the Central Government is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(78)A, dated the 6th January 1951, namely :—

To the Schedule annexed to the said Notification the following entries shall be added, namely :—

"Under Secretary (Iron and Steel), Department of Supply and Transport, Government of Orissa, Cuttack.

Director of Industries, Government of Orissa, Cuttack.

All District Magistrates in the State of Orissa"

S. R. O 286.— In exercise of the powers conferred by sub-clause (a) of clause 2 of the **Iron and Steel (Control of Production and Distribution) Order 1941**, the Central Government is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Industry and Supply, No. I(1)-4(41), dated the 7th September 1950, namely :—

To the Schedule annexed to the said Notification, the following entries shall be added, namely :—

"Under Secretary (Iron and Steel), Department of Supply and Transport, Government of Orissa Cuttack.

Director of Industries, Government of Orissa. Cuttack.

All District Magistrates in the State of Orissa".

New Delhi, the 24th February 1951

S. R. O. 288—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946) the Central Government is pleased to direct that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In the said Order—

(1) in the explanation to sub-clause (2) of clause 23 the words "other than a processor of cloth or yarn produced by a producer having a spinning plant" shall be deleted ;

(2) in clause 28 for sub-clauses (5) and (6) the following sub-clause shall be substituted, namely :

"(5) For the purposes of sub-clause (1) any yarn agreed to be sold to a dealer by a producer and of which delivery has not been taken by the due date, shall be deemed to be in the possession of the dealer and substituted, namely :—

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 24th February 1951

S. R. O. 297.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby makes the following order, namely :—

1 *Short title, extent, commencement and duration.*—(1) This order may be called the Cattle Fodder (Kadbi) Control Order, 1951.

(2) It extends to the State of Bombay.

(3) It shall come into force at once and shall remain in force for a

period of three months from the date of its publication in the official Gazette.

2. *Definitions.*—In this order, unless the context otherwise requires :—(a) "controlled area" means the districts of Sholapur, Poona, Bihapur, Dharwar, Belgaum and East Khandesh ;

(b) "export" means to take out of the controlled area by land, air or water to any place outside such area ;

(c) "Kadbi" means the Kadbi variety of cattle fodder.

3. *Prohibition against export of Kadbi.*—No person shall export or attempt to export from the controlled area any Kadbi except under and in accordance with the conditions of a permit issued by the District Magistrate of the district concerned or any officer authorised by him in this behalf.

Explanation.—Any person who transports within the controlled area any Kadbi which is despatched from a place outside the controlled area to another place outside such area and which is in course of transit through the controlled area, shall be deemed to have contravened the provisions of this clause.

4. *Penalty.*—A court trying any contravention of this order may, without prejudice to any other sentence which it may pass, direct that any Kadbi in respect of which it is satisfied that such contravention has occurred shall be forfeited to the Government.

5. *Saving.*—Nothing in this order shall apply to any export of Kadbi by or on behalf of Government or under and in accordance with a Military Credit Note.

New Delhi, the 26th February 1951

S. R. O. 298.—In exercise of the powers conferred by Section 4 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946) the Central Government is pleased to direct that the powers conferred on it by sub-section (1) of section 3 of the said Act to make orders in relation to the prohibition of export of mustard oil and mustard seeds from the State of Assam shall also be exercisable by the Government of Assam subject to conditions that :—

(a) no such order shall remain in force after the 31st August, 1951; and

(b) that such orders shall not apply to the movement of mustard oil and mustard seeds against valid export licences issued by the Government of India for export out of India.

MINISTRY OF HEALTH

New Delhi, the 27th February 1951

S. R. O. 300.—In exercise of the powers conferred by sub-section (2) of section 8 of the **Provident Funds Act, 1925** (XIX of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the provident fund established for the benefit of the employees of the Indian Council of Medical Research New Delhi.

S. R. O. 301.—In exercise of the powers conferred by sub-section (3) of section 8 of the **Provident Funds Act, 1925** (XIX of 1925), the Central Government hereby adds to the schedule to the said Act the name of the following public institution, namely :—

"The Indian Council of Medical Research, New Delhi".

MINISTRY OF RAILWAYS

New Delhi, the 22nd February 1951

S. R. O. 302.—In exercise of the power conferred by section 146 of the **Indian Railways Act, 1890** (IX of 1890) the Central Government is

pleased to extend the whole of the said Act, except section 135 thereof, to the Jagadhri Light Railway.

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 8th March 1950.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 8th March 1951

S. R. O. 335A.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order, namely :—

The Newsprint Control Order, 1951.

1. *Short title, extent and commencement.*—(1) This order may be called the Newsprint Control Order, 1951.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on the 12th March, 1951.

2. *Definitions.*— In this Order :

(a) "newspaper" means any periodical publication printed on newsprint appearing at regular intervals of not more than one month ;

(b) "newsprint" means white printing paper in reels or in sheets, the fibre content of which comprises not less than 70 per cent. of mechanical wood pulp, and which weighs not less than 40 grammes per square metre ;

(c) "daily newspaper" means a newspaper which is published on not less than 6 days in a week and includes any Supplement or Special edition of such newspaper, whether or not such supplement or special edition is separately registered under the Press and Registration of Books Act, 1867 (XXV of 1867) ;

Explanation.—The expression "special edition" includes a weekly edition whether appearing under the same title as the daily newspaper or a different title.

(d) "weekly newspaper" means a newspaper published once a week.

(e) "week" means a period of seven consecutive days beginning with a Monday.

(f) "schedule" means a schedule to this Order.

3. *Restriction on use of newsprint.*—No person shall use newsprint for any purpose other than that of printing a newspaper, except under a General or Special permission in writing granted by the Central Government or by an officer authorised by the Central Government in this behalf.

4. *Maximum size of page of newspaper.*—No person shall publish any daily or weekly newspaper any page of which, including margins and other spaces clear of print, exceeds 432 square inches in area.

5. *Weekly quota of pages.*—(1) Subject to the provisions of clause 6, the total number of pages, in all the issues of a daily newspaper published during a week or in a weekly newspaper, shall not exceed the quota assigned in schedule I to a newspaper of that class and price.

(2) For the puposes of this clause, a daily and a weekly newspaper shall be classified as Class A, Class B, Class C, Class D or Class E according as the area of the page of the newspaper, including margins and other spaces clear of print is 432 square inches or less than 432 square inches but not less than 372 square inches, less than 372 square inches but not less than 200 squares inches, less than 200 square inches but not less than 150 square inches, less than 150 squres inches but not less than 75 square inches or is less than 75 square inches.

Explanation.—Where the page of a newspaper varies in size from time to time, the area of the page of the newspaper for the purpose of this clause shall be the area of the largest page.

6. *Larger quota to daily newspaper under certain conditions.*—Notwithstanding anything contained in clause 5, the proprietor of a daily newspaper classified as Class A and priced at one anna shall be entitled to publish once a week a higher priced issue and thereupon the weekly quota of such newspaper shall be—

(a) in the case of a daily newspaper published on 6 days, the average quota of such newspaper for 5 days plus the number of pages permitted to a weekly newspaper of the price equivalent to the price of the higher priced issue of the daily newspaper ; and

(b) in the case of a daily newspaper published on 7 days, the average quota of such newspaper for 6 days plus the number of pages permitted to a weekly newspaper of the price equivalent to the price of the higher priced issue of the daily newspaper.

Explanation.—In calculating the weekly quota under this clause a fraction of less than one shall be disregarded.

Illustration I.—If a one-anna newspaper, which is published on 6 days, brings out a 2-anna issue on any one of those 6 days, its weekly quota would then be $22 \times 5/6$ or 18·3 plus 8 (which is the number of pages permitted to a 2-anna weekly newspaper), the total being 26.

Illustration II.—If a one-anna newspaper, which is published on 7 days, brings out a 2-anna issue on any one of those 7 days, its weekly quota would be $26 \times 6/7$ or 22·23 plus (which is the number of pages permitted to a 2-anna weekly newspaper) the total being 30 pages.

7. *Determination of disputes.*—If any dispute arises as to the classification of a newspaper under clause 5, it shall be referred to the Central Government and the decision of the Central Government thereon shall be final.

8. *Power to require sale of newsprint.*—The Central Government, if it considers it necessary or expedient to do so, may direct any person, other than the proprietor of a newspaper, to sell or otherwise transfer any newsprint in his possession or under his control to such other person as may be specified in the direction, and thereupon the first named person shall comply with the direction.

9. *Submission of returns by importers of newsprint.*—The proprietor of a newspaper or any other person who imports or otherwise acquires newsprint from outside India shall, within seven days of such import or acquisition, send an intimation in writing to the Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi, giving full details as to the quantity of, and the source from which, such newsprint was so imported or acquired.

10. *Submission of monthly returns.*—Every proprietor of a newspaper and every person carrying on any undertaking which involves the sale, storage or distribution of newsprint shall submit to the Secretary to the Government of India Ministry of Commerce and Industry, New Delhi, on or before the 7th day of every month a true return in the form specified in Schedule II, of the quantity of newsprint held, acquired, consumed or otherwise disposed of by him during the preceding calendar month.

11. *Power to relax any provision of this Order.*—The Central Government may, in any special case, authorise in writing the doing of any act which would otherwise be prohibited by this Order.

12. *Repeal.*—The Newsprint Control Order, 1950, is hereby repealed :

Provided that anything done or any action taken in the exercise of any power conferred by the said order shall be deemed to have been done or taken in the exercise of the powers conferred by this order as if this order was in force on the day on which such thing was done or action was taken.

SCHEDULE I

(See clause 5)

Quota of pages for one week in the case of daily and weekly newspapers.

Price in annas	Class A (432 sq. inches or less than 432 sq. inches but not less than 372 sq. inches).	Class B (less than 372 sq. inches but not less than 200 sq. inches).	Class C (less than 200 sq. inches but not less than 150 sq inches),	Class D (less than 150 sq. inches but not less than 75 sq inches).	Class E (less than 75 sq. inches).
	Daily newspaper published on 7 days in a week.				
1	26	40	52	78	156
1 1/2	38	56	76	114	228
2	50	74	100	150	300
2 1/2	60	90	120	180	360
	Daily newspaper published on 6 days in a week.				
Price in annas	Class A	Class B	Class C	Class D	Class E
1/2	12	18	24	36	72
1	22	34	44	66	132
1 1/2	32	48	64	96	192
2	42	64	84	126	252
2 1/2	50	76	100	150	300
	Weekly newspapers.				
Price in annas	Class A	Class B	Class C	Class D	Class E
1	4	6	8	12	24
1 1/2	6	10	12	18	36
2	8	12	16	24	48
2 1/2	10	16	20	30	60
3	12	18	24	36	72
4	16	24	32	48	96

SCHEDULE II

(See Clause 10).

FORM

THE NEWSPRINT CONTROL ORDER, 1951.

(Clause 9)

Return for the month of... 195

Name..... .....

Full address..... .....

Class of newspaper..... .. [See clause 5(2)]

I/We declare that the following is a true account of the stock of newsprint held, acquired, consumed and otherwise disposed of by me/us during the month of 195 .

	Newsprint in reels		Newsprint in sheets	
	No. of reels	Weight in tons	No. of reams	Weight in tons
1. Amount of stock in hand at the end of the last preceding month				
2. Amount of stock acquired during the month including the name and address of person or persons from whom acquired.				
3. Total of items 1 and 2 . .				
*4 Amount of stock consumed during the month in the production of newspaper.				
5. Amount of stock otherwise disposed of during the month including the name and address of person or persons to whom disposed of				
*6. Total of items 4 and 5 . .				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month.				

*Not to be filled in by persons other than the proprietors of newspapers.

Dated.....195 . *Signature.....*

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 10th March 1951.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 10th March 1951

S. R. O. 343.—In exercise of the powers conferred by sub-section (1) of section 3 of the **Imports and Exports Control Act, 1947** (Act XVIII of 1947), the Central Government hereby rescinds the Jute Goods (Export Control) Order, 1949.

S. R. O. 344.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Newsprint Control Order, 1951, namely :—

In sub-clause (3) of clause 1 for the words and figures "12th March, 1951," the words and figures "2nd April, 1951" shall be substituted.

Published in the *Gazette of India*, Part II-Section 3, dated the 10th March 1951.

MINISTRY OF LAW

New Delhi, the 7th March 1951

S. R. O. 310.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Code of Criminal Procedure (Amendment) Act, 1951** (I of 1951), the Central Government hereby appoints the first day of April, 1951, as the date on which the said Act shall come into force.

S. R. O. 311.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Code of Civil Procedure (Amendment) Act, 1951** (II of 1951), the Central Government hereby appoints the first day of April,

1951, as the date on which the said Act shall come into force.

S. R. O. 312.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Part B States (Laws) Act, 1951** (III of 1951), the Central Government hereby appoints the first day of April, 1951, as the date on which the said Act shall come into force.

MINISTRY OF FINANCE (REVENUE DIVISION)

New Delhi the 10th March 1951

S. R. O. 313.—In exercise of the powers conferred by section 37 of the **Central Excises and Salt Act, 1944** (I of 1944), the Central Government hereby directs that the following amendments shall be made in the Central Excise Rules, 1944, namely :—

In clause (ii) (A) of rule 2 of the said rules—

(i) for the existing sub-clause (d), the following sub-clause shall be substituted, namely :—

"(d) in the States of West Bengal and Orissa, the Collector of Central Excise, Calcutta ;" ;

(ii) after sub-clause (j), the following sub-clause shall be inserted, namely :—

"(k) in the State of Bihar, the Collector of Central Excise, Patna;".

CENTRAL BOARD OF REVENUE

New Delhi, the 3rd March 1951

S. R. O. 314.—In exercise of the powers conferred by clause (6) of section 2 of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Board of Revenue hereby declares that a company formed and registered under a law in force in any of the Part B States the registered office of which is situated in the taxable territories and which has filed a return of income under sub-section (1) or sub-section (2) of section 22 of the said Act within the period allowed by the notice or within such period as may have been specifically extended, shall be a company for the purposes of the said Act.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 28th February 1951

S. R. O 318.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Iron and Steel (Control of Production and Distribution) Order, 1941, namely :

The word "cash" occurring in sub-clause (2) of clause 11AA of the said Order shall be deleted.

S. R. O. 319.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Iron and Steel (Scrap Control) Order, 1943, namely: —

The word "cash" occurring in sub-clause (2) of Clause 7A of the said Order shall be deleted.

MINISTRY OF LABOUR

New Delhi, the 1st March 1951

S. R. O. 330.—In exercise of the powers conferred by section 16 of the **Tea Districts Emigrant Labour Act, 1932** (XXII of 1932), the Central Government hereby declare that, with effect from the 1st May 1951, the merged areas in the State of Orissa shall be a controlled emigration area.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 17th March 1951.

MINISTRY OF COMMUNICATIONS

New Delhi, the 9th March 1951

S. R. O. 364.—In exercise of the powers conferred by sub-section (3) of section 1 of the **Telegraph Wires (Unlawful Possession) Act, 1950** (LXXIV of 1950), the Central Government hereby appoints the 1st day of April, 1951 as the date on which the said Act shall come into force in the whole of India (excluding Jammu and Kashmir).

S. R. O. 365.—In exercise of the powers conferred by section 8 of the **Telegraph Wires (Unlawful Possession) Act, 1950** (LXXIV of 1950), the Central Government hereby make the following Rules :

1. *Short title.*—These rules may be called the "Rules for the prevention of unlawful possession of Telegraph Wires".

2. *Definitions.*—In these Rules, unless the context otherwise requires,—

(a) 'Act' means the Telegraph Wires (Unlawful Possession) Act (LXXIV of 1950).

(b) 'Department' means the Indian Posts and Telegraphs Department.

(c) 'Divisional Engineer' means any of the Divisional Engineers of the Department, incharge of Telegraph or Telephone Divisions at stations specified in Appendix 'B' of these Rules.

(d) 'Declarer' means a person in possession of telegraph wires and who makes a declaration in writing as required by rule 2 of these Rules.

3. A declaration under section 3 of the Act shall be in the form shown in Appendix 'A'. The form should be sent by registered post (Acknowledgment Due) to the Divisional Engineer of the station nearest to his place of residence or business.

4. The Divisional Engineer may, if he thinks fit, on receipt of the declaration form, arrange for inspection of the declared stocks.

5. *The Price at which and the Authority to whom Wires may be sold.*—For the purposes of the proviso to section 4, every Divisional Engineer shall be the authority to whom wires may be sold by a declarer and the price at which it may be sold shall be Rs. 110 per Cwt.

APPENDIX 'A'

* * * *

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 24th March 1951

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 24th March 1951

S. R. O. 417.—In exercise of the powers conferred by Section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Sugar and Gur Control Order, 1950, namely :—

In the said Order—

In Sub-clause (c) of clause 2, the words "or palmyra juice", at the end of the sub-clause, shall be deleted.

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 24th March 1951.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 24th March 1951

S. R. O. 418. In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (No. XXIV of 1946),

the Central Government is pleased to direct that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In sub-clause (3) of clause 21 of the said Order for paragraph (b), excluding the Explanation, the following shall be substituted, namely,—

"(b) No producer having a spinning plant shall pack—

(i) during March 1951, a quantity of cloth intended for sale in India less than 60 per cent. of the total quantity of cloth packed by him in the same month ;

(ii) during each of the months of April, May and June 1951, a quantity of cloth intended for sale in India less than 90 per cent. of the total quantity of cloth packed by him in that month ;

(iii) during March 1951 and in every subsequent month a quantity of yarn intended for sale in India less than 87½ per cent. of the total quantity of yarn packed by him in the same month."

Published in the *Gazette of India*, Part II Section 3, dated 24th March 1951.

MINISTRY OF COMMERCE

New Delhi, the 15th March 1951

S. R. O. 403.—In exercise of the powers conferred by clause (c) of sub-section (2) of section 26 of the **Supply and Prices of Goods Act, 1950** (LXX of 1950), the Central Government hereby makes the following rules :—

1. *Short title.*—These rules may be called the Goods (Marking of Prices and Exhibition of Price Lists) Rules, 1951.

2. *Definitions.*—In these rules—

(a) "Act" means the Supply and Prices of Goods Act, 1950 (LXX of 1950) ;

(b) "goods" means the goods to which the Act applies.

3. *Manner of marking prices.*—Where a price is to be marked on goods in pursuance of a direction issued under section 10 of the Act, such price shall be marked thereon plainly and conspicuously either in the English language or in the local language of the district or both in the English language and such local language.

4. *Manner of exhibiting price list.*—Where a price list of goods is to be exhibited in pursuance of a direction issued under section 10 of the Act, such price list—

(a) shall be exhibited in plain and legible writing in the language or languages specified in rule 3 ; and

(b) shall indicate the price for different varieties or classes of goods.

Explanation.—In this rule, the expression "writing" includes printing, lithography and other modes of representing or reproducing words in a visible form.

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 31st March 1951.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 31st March 1951

S. R. O. 465(1).—In exercise of the powers conferred by Section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Newsprint Control Order, 1951, namely :—

In the said Order :—

(a) in clause 5—

(i) in sub-clause (2) for the figures "372" in both the places where they occur, the figures "336" shall be substituted.

(ii) the following provisos shall be added, namely :—

Provided that where a weekly edition of a daily newspaper of any class is priced higher than the daily issue of such a newspaper, the weekly edition shall contain the number of pages alloted to a weekly newspaper of that price and the corresponding class, and for the purpose of calculating the quota for the remaining issues of such a newspaper it shall be treated as a daily newspaper of the corresponding class published on 6 days.

Provided further that the total number of pages in all the issues of such a newspaper published during a week (including the higher priced issue) shall not exceed the total number of pages allotted to a daily newspaper of that class and price published on 7 days.

(b) for Schedule I, the following Schedule shall be substituted, namely :—

SCHEDULE I

(See clause 5)

Quota of pages for one week in the case of daily and weekly newspaper.

Daily newspaper published on 7 days in a week

Price in annas	Class A (432 sq inches or less than 432 sq inches but not less than 336 sq. inches)	Class B (less than 336 sq inches but not less than 200 sq. inches)	Class C (less than 200 sq inches but not less than 150 sq. inches)	Class D (less than 150 sq inches but not less than 75 sq. inches)	Class E (less than 75 sq. inches)
Less than 1/2	...	...	14	20	42
Not less than 1/2 but less than 1	14	20	28	42	84
Not less than 1 but less than 1 1/2	26	40	52	78	156
Not less than 1 1/2 but less than 2.	38	56	76	114	228
Not less than 2 but less than 2 1/2.	50	74	100	150	300
Not less than 2 1/2	60	90	120	180	360

Daily newspaper published on 6 days in a week

Price in annas	Class A	Class B	Class C	Class D	Class E
Less than 1/2	...	...	12	18	36
Not less than 1/2 but less than 1.	12	18	24	36	72
Not less than 1 but less than 1 1/2.	22	34	44	66	13
Not less than 1 1/2 but less than 2.	32	48	64	96	192
Not less than 2 but less than 2 1/2.	42	64	84	126	252
Not less than 2 1/2	50	76	100	150	300

	Weekly newspapers				
Price in annas	Class A	Class B	Class C	Class D	Class E
Less than 1/2	...	...	2	4	6
Not less than 1/2 but less than 1	...	...	4	6	12
Not less than 1 but less than 1-1/2.	4	6	8	12	24
Not less than 1 1/2 but less than 2.	6	10	12	18	36
Not less than 2 but less than 2 1/2	8	12	16	24	48
Not less than 2 1/2 but less than 3	10	16	20	30	60
Not less than 3 but less than 4	12	18	24	36	72
Not less than 4	16	24	32	48	96

Published in the *Gazette of India*, Part II-Section 3, dated, 31st March 1951.

MINISTRY OF HOME AFFAIRS

New Delhi, the 19th March 1951

S. R. O. 420.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President hereby entrusts to the Government of Rajasthan, with its consent, the functions of the Central Government under rule 4 of the **Indian Pasport Rules, 1950,** subject to the following conditions, namely :—

(1) that the power so entrusted shall be used only to exempt individual persons from the operation of rule 3 of the said Rules ;

(2) that in granting exemptions, the State Government shall comply with such general or special orders as may be issued by the Central Government ; and

(3) that the power entrusted shall also be exercisable by the Central Government should it deem fit to do so in any case.

S. R. O. 421.—In exercise of the powers conferred by clause 1 of article 258 of the Constitution, the President hereby entrusts to the Government of Rajasthan, with its consent, the functions of the Central Government under Section 5 of the **Indian Passport Act, 1920** (XXXIV of 1920), and rule 2 of the Indian Passport Rules, 1950.

MINISTRY OF HOME AFFAIRS

New Delhi, the 21st March 1951

S. R O. 422 —In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Delhi the enactments specified in the first column of the Schedule hereto annexed with the modifications specified in the corresponding entry in the second column of the said Schedule.

THE SCHEDULE

Name of Act 1	Modifications 2
1. The Court Fees (East Punjab Amendment) Act, 1949 (East Punjab Act XXVI of 1949).	1. (1) For sub-sections (2) and (3) of section 1, the following sub-section shall be substituted :— "(2) It shall come into force on the 1st day of April 1951." 2. In section 2 for the words 'the East Punjab' the word 'Delhi' shall be substituted. 3. In section 3, for the words "and as subsequently amended", the

	words "as extended to the State of Delhi" shall be substituted. 4. In Schedule II— (a) in the entry against item No. 1 "Application or Petition" for the words "Municipal Commissioner", the words "Municipality or other local authority" shall be substituted. (b) in item 22 for the words "the Punjab customary law" the words "any customary law in force in the State of Delhi" shall be substituted. (c) for item 23 the following item shall be substituted, namely :— "23. Application or Memorandum of Appeal under the Delhi and Ajmer-Merwara Rent Control Act, 1947—five rupees".
2. The Indian Stamp (East Punjab Amendment) Act, 1949 (East Punjab Act, XXVII of 1949).	1. For sub-sections (2) and (3) of section 1, the following sub-section shall be substituted, namely :— "(2) It shall come into force on the 1st day of April 1951." 2. In section 2 for the words, "and as subsequently amended" the words "as extended to the State of Delhi" shall be substituted.

2. The text of the said Acts as modified is published as an annexure to the notification.

ANNEXURE

* * * *

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 21st March 1951

S. R. O. 439.—In exercise of the powers conferred by section 22 of the **Supply and Prices of Goods Act, 1950** (LXX of 1950), the Central Government hereby directs that the powers conferred on it by sub-section (3) of section 19 of the said Act shall be exercisable also in the State of Madras by the Government of Madras.

MINISTRY OF LABOUR

New Delhi, the 20th March 1951

S. R. O. 459.—In exercise of the powers conferred by sub-section (5) of section 1 read with section 24 of the **Payment of Wages Act, 1936** (IV of 1936), the Central Government hereby extends with effect from the 15th June 1951 the provisions of the said Act, except sub-section (4) of section 8 thereof, to the payment of wages to all classes of persons employed in mines, other than coal-mines, to which the Indian Mines Act, 1923 (IV of 1923), applies, three months' notice of its intention of so doing having been given as required by the said sub-section (5) of section 1.

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MINISTRY OF STATES

New Delhi the 1st April 1951

S. R. O. 468.—In pursuance of clause (a) of sub-section (2) of section 87B of the **Code of Civil Procedure, 1908** (Act V of 1908), the Central Government hereby specifies the former Indian States mentioned in the Schedule hereto annexed for the purposes of the said section.

THE SCHEDULE

1. Athgarh.
2. Athmallik.
3. Bamra.
4. Baramba.
5. Baudh.
6. Bonai.
7. Daspalla.
8. Dhenkanal.
9. Gangpur.
10. Hindol.
11. Kalahandi.
12. Keonjhar.
13. Khandpara.
14. Mayurbhanj.
15. Narsinghpur.
16. Nayagarh.
17. Nilgiri.
18. Pal Lahara.
19. Patna.
20. Rairakhol.
21. Ranpur.
22. Sonepur.
23. Talcher.
24. Tigiria.
25. Kharsawan.
26. Seraikella.
27. Nandgaon.
28. Bastar.
29. Kanker.
30. Udaipur (Madhya Pradesh).
31. Sakti.
32. Chhuikhadan.
33. Raigarh.
34. Kawardha.
35. Sarangarh.
36. Korea.
37. Khairagarh.
38. Surguja.
39. Jashpur.
40. Changbhakar.
41. Makrai.
42. Loharu.
43. Dujana.
44. Pataudi.
45. Banganapalle.
46. Pudukkottai.
47. Sandur.
48. Ambaliara
49. Balasinor.
50. Bansda.
51. Baria.
52. Bhadarwa.
53. Cambay.
54. Chhota Udepur.
55. Danta.
56. Dharampur.
57. Ghodasar.
58. Idar.
59. Ilol.
60. Jambughoda.
61. Jawhar.
62. Khadal.
63. Katosan.
64. Lunawada.
65. Malpur.
66. Mohanpur.
67. Mansa.
68. Palanpur.
69. Punadra.
70. Radhanpur.
71. Ranasan.
72. Rajpipla.
73. Sachin.
74. Sant.
75. Sudasna.
76. Surgana.
77. Valasna.
78. Varsoda.
79. Vasna.
80. Vijayanagar.
81. Wao.
82. Sanjeli.
83. Tharad.
84. Vakhtapur.
85. Likhi.
86 Mandwa.
87. Dedhrota.
88. Hapa.
89. Sathamba.
90. Umeta.
91. Magodi.
92. Palaj.
93. Tajpuri.
94. Kurundwad (Senior).
95. Kurundwad (Junior).
96. Akalkot.
97. Savanur.
98. Miraj (Senior).
99. Miraj (Junior).
100. Mudhol.
101. Phaltan.
102. Sangli.
103. Aundh.
104. Ramdurg.
105. Bhor.
106. Jamkhandi.
107. Jath.
108. Swantwadi.
109. Wadi Jagir.
110. Janjira.
111. Baroda.
112. Kolhapur.
113. Tehri Garhwal.
114. Benaras.
115. Rampur.
116. Cooch Behar.
117. Patiala.
118. Kapurthala.
119. Nabha.
120. Jind.
121. Faridkot.
122. Kalsia.
123. Nalagarh.
124. Malerkotla.
125. Travancore.
126. Cochin.
127. Gwalior.
128. Indore.
129. Alirajpur.
130. Barwani.
131. Dewas (Senior).

132. Dewas (Junior).
133. Dhar.
134. Jaora.
135. Jhabua.
136. Jobat.
137. Kathiwara.
138. Khilchipur.
139. Kurwai.
140. Narsingarh.
141. Rajgarh.
142. Ratlam.
143. Sailana.
144. Sitamau.
145. Mathwar.
146. Piploda.
147. Pathari.
148. Muhammadgarh.
149. Nimkhera.
150. Jamnia.
151. Rajgarh.
152. Khaniadhana.
153. Alwar.
154. Bharatpur.
155. Dholpur.
156. Karauli.
157. Banswara.
158. Bundi.
159. Dungarpur.
160. Jhalawar.
161. Kishengarh.
162. Kotah.
163. Mewar.
164. Partabgarh.
165. Shahpura.
166. Tonk.
167. Jaipur.
168. Jaisalmer.
169. Bikaner.
170. Jodhpur.
171. Lawa.
172. Kushalgarh.
173. Nimrana.
174. Sirohi.
175. Nawanagar.
176. Bhavnagar.
177. Porbandar.
178. Dhrangadhra.
179. Morvi.
180. Gondal.
181. Jafrabad.
182. Wankaner.
183 Palitana.
184. Dhrol.
185. Limbdi.
186. Rajkot.
187. Wadhwan.
188. Lakhtar.
189. Sayla.
190. Chuda.
191. Vala.
192. Jasdan.
193. Amarnagar (Thana Devli).
194. Vadia.
195. Lathi.
196. Muli.
197. Bajana.
198. Virpur.
199. Malia.
200. Kotda Sangani.
201. Jetpur.
202. Bilkha.
203. Patdi.
204. Khirasra.
205. Vanod.
206. Barwala.
207. Katodia.
208. Lodhika.
209. Vasavad.
210. Jalia Devani.
211. Zainabad.
212. Vithalgadh.
213. Tharoch.
214. Chamba.
215. Mandi.
216. Suket.
217. Keonthal.
218. Sirmur.
219 Baghat.
220. Balsan.
221. Bashahr.
222. Jubbal.
223. Mahlog.
224. Dhami.
225. Bhajji.
226. Kuthar.
227. Kumarsain.
228. Baghal.
229. Mangal.
230. Kunihar.
231. Darkoti.
232. Sangri.
233. Beja.
234. Delath.
235. Ratesh.
236. Rawingarh.
237. Dhadi.
238. Ghund.
239. Khaneti.
240. Madhan.
241. Theog.
242. Koti.
243. Bhopal.
244. Bilaspur.
245. Kutch.
246. Tripura.
247. Manipur.
248. Ajaigarh.
249. Baoni.
250. Baraundha.
251. Bijawar.
252. Chhatarpur.
253. Charkhari.
254. Datia.
255. Maihar.
256. Nagod.
257. Orchha.
258. Panna.
259. Rewa.
260. Samthar.
261. Alipura.
262. Banka Pahari.
263. Beri.
264. Bhaisaunda.
265. Bihat.
266. Bijna.
267. Dhurwai.
268. Garrauli.
269. Gaurihar.
270. Jaso.
271. Jigni.
272. Kamta Rajaula.
273. Kothi.
274. Lugasi.
275. Naigawan Rebai.
276. Pahara.
277. Paldeo (Nayagaon).
278. Sarila.
279. Sohawal.
280. Taraon.
281. Tori Fatehpur.
282. Hyderabad.
283. Mysore.
284. Jammu and Kashmir.

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MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 5th April 1951

S. R. O. 509.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Newsprint Control Order, 1951, namely :—

In the second proviso to clause 5 of the said Order, for the words from "shall not exceed" to "published on 7 days", the following shall be substituted, namely :—

"shall not exceed—

(a) if the newspaper belongs to Class A, 60 pages ;

(b) if the newspaper belongs to Class B, 90 pages ;

(c) if the newspaper belongs to Class C, 120 pages ;

(d) if the newspaper belongs to Class D, 180 pages ; and

(e) if the newspaper belongs to Class E, 360 pages."

Published in the *Gazette of India*, Part II-Section 3, dated 7th April, 1951.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 31st March 1951

S. R. O. 498.—In exercise of the powers conferred by section 22 of the **Supply and Prices of Goods Act, 1950** (LXX of 1950), the Central Government hereby directs that the powers exercisable by it under clause (b) of section 13, sub-section (1) of section 16, section 17 and sub-section (2) of section 19 of the said Act shall be exercisable also by the Government of Uttar Pradesh

S. R. O. 499.—In exercise of the powers conferred by section 22 of the **Supply and Prices of Goods Act, 1950** (LXX of 1950), the Central Government hereby directs that the powers exercisable by it under sub-section (2) of section 19 of the said Act shall, subject to any general or special order of the Central Government, be exercisable also by the Civil Supplies Officer, Bilaspur.

New Delhi, the 3rd April, 1951

S. R. O. 502.—In exercise of the powers conferred by section 3 of the **Supply and Prices of Goods Act, 1950** (LXX of 1950), the Central Government hereby directs that the said Act shall apply to chrome ore.

S. R. O. 503.—In exercise of the powers conferred by Section 22 of the **Supply and Prices of Goods Act, 1950** (LXX of 1950), the Central Government hereby directs, that the powers conferred on it by sections 4, 13 and 19 of the said Act shall, subject to any general or special order of the Central Government, be exercisable also in respect of chrome ore by the Iron and Steel Controller, Calcutta.

Published in the *Gazette of India*, Part II-Section 3, dated 14th April 1951,

MINISTRY OF HOME AFFAIRS.

New Delhi, the 9th April 1951.

S R.O. 513.—In exercise of the powers conferred by section 3 of the **Foreigners Act, 1946** (XXXI of 1946), the Central Government hereby directs that paragraph 5 of the Foreigners Order, 1948 shall be omitted.

MINISTRY OF EXTERNAL AFFAIRS.

New Delhi, the 3rd April 1951

S.R.O. 514.—In exercise of the powers conferred by clause (1) of article 239 of the Constitution, the President hereby authorises the Chief Commissioners of the States of Ajmer, Bhopal, Bilaspur, Coorg, Delhi, Hima-

chal Pradesh, Kutch, Manipur, Vindhya Pradesh and Tripura to exercise the powers of a State Government under rule 124 of the Indian Pilgrim Ships Rules, 1933.

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 1st April 1951.

MINISTRY OF STATES

New Delhi the 1st April 1951

S. R. O. 469.—In pursuance of clause (a) of sub-section (1) of section 197A of the **Code of Criminal Procedure, 1898** (Act V of 1898), the Central Government hereby specifies the former Indian States mentioned in the Schedule hereto annexed for the purposes of the said section.

THE SCHEDULE

1. Athgarh.
2. Athmallik.
3. Bamra.
4. Baramba.
5. Baudh.
6. Bonai.
7. Daspalla.
8. Dhenkanal.
9. Gangpur.
10. Hindol.
11. Kalahandi.
12. Keonjhar.
13. Khandpara.
14. Mayurbhanj.
15. Narsinghpur.
16. Nayagarh.
17. Nilgiri.
18. Pal Lahara.
19. Patna.
20. Rairakhol.
21. Ranpur.
22. Sonepur.
23. Talcher.
24. Tigiria.
25. Kharsawan.
26. Seraikella.
27. Nandgaon.
28. Bastar.
29. Kanker.
30. Udaipur (Madhya Pradesh).
31. Sakti.
32. Chhuikhadan.
33. Raigarh.
34. Kawardha.
35. Sarangarh.
36. Korea.
37. Khairagarhi
38. Surguja.
39. Jashpur.
40. Changbhakar.
41. Makrai.
42. Loharu.
43. Dujana.
44. Pataudi.
45. Banganapalle.
46. Pudukkottai.
47. Sandur.
48. Ambaliara
49. Balasinor.
50. Bansda.
51. Baria.
52. Bhaderwa.
53. Cambay.
54. Chhota Udepur.
55. Danta.
56. Dharampur.
57. Ghodasar.
58. Idar.
59. Ilol.
60. Jambughoda.
61. Jawhar.
62. Khadal.
63. Katosan.
64. Lunawada.
65. Malpur.
66. Mohanpur.
67. Mansa.
68. Palanpur.
69. Punadra.
70. Radhanpur.
71. Ranasan.
72. Rajpipla.
73. Sachin.
74. Sant.
75. Sudasna.
76. Surgana.
77. Valasna.
78. Varsoda.
79. Vasna.
80. Vijayanagar.
81. Wao.
82. Sanjeli.
83. Tharad.
84. Vakhtapur.
85. Likhi.
86. Mandwa.
87. Dedhrota.
88. Hapa.
89. Sathamba.
90. Umeta.
91. Magodi.
92. Palaj.
93. Tajpuri.
94. Kurundwad (Senior).
95. Kurundwad (Junior).
96. Akalkot.
97. Savanur.
98. Miraj (Senior).
99. Miraj (Junior).
100. Mudhol.
101. Phaltan.
102. Sangli.
103. Aundh.
104. Ramdurg.
105. Bhor.
106. Jamkhandi.
107. Jath.
108. Swantwadi.
109. Wadi Jagir.
110. Janjira.
111. Baroda.
112. Kolhapur.
113. Tehri Garhwal.
114. Benaras.
115. Rampur.
116. Cooch Behar.
117. Patiala.
118. Kapurthala.
119. Nabha.
120. Jind.
121. Faridkot.
122. Kalsia.
123. Nalagarh.
124. Malerkotla.
125. Travancore.
126. Cochin.
127. Gwalior.
128. Indore.
129. Alirajpur.
130. Barwani.
131. Dewas (Senior).

132. Dewas (Junior).
133. Dhar.
134. Jaora.
135. Jhabua.
136. Jobat.
137. Kathiwara.
138. Khilchipur.
139. Kurwai.
140. Narsingarh.
141. Rajgarh.
142. Ratlam.
143. Sailana.
144. Sitamau.
145. Mathwar.
146. Piploda.
147. Pathari.
148. Muhammadgarh.
149. Nimkhera.
150. Jamnia.
151. Rajgarh.
152. Khaniadhana.
153. Alwar.
154. Bharatpur.
155. Dholpur.
156. Karauli.
157. Banswara.
158. Bundi.
159. Dungarpur.
160. Jhalawar.
161. Kishengarh.
162. Kotah.
163. Mewar.
164. Partabgarh.
165. Shahpura.
166. Tonk.
167. Jaipur.
168. Jaisalmer.
169. Bikaner.
170. Jodhpur.
171. Lawa.
172. Kushalgarh.
173. Nimrana.
174. Sirohi.
175. Nawanagar.
176. Bhavnagar.
177. Porbandar.
178. Dhrangadhra.
179. Morvi.
180. Gondal.
181. Jafrabad.
182. Wankaner.
183. Palitana.
184. Dhrol.
185. Limbdi.
186. Rajkot.
187. Wadhwan.
188. Lakhtar.
189. Sayla.
190. Chuda.
191. Vala.
192. Jasdan.
193. Amarnagar (Thana Devli).
194. Vadia.
195. Lathi.
196. Muli.
197. Bajana.
198. Virpur.
199. Malia.
200. Kotda Sangani.
201. Jetpur.
202. Bilkha.
203. Patdi.
204. Khirasra.
205. Vanod.
206. Barwala.
207. Katodia.
208. Lodhika.
209. Vasavad.
210. Jalia Devani.
211. Zainabad.
212. Vithalgadh.
213. Tharoch.
214. Chamba.
215. Mandi.
216. Suket.
217. Keonthal.
218. Sirmur.
219. Baghat.
220. Balsan.
221. Bashahr.
222. Jubbal.
223. Mahlog.
224. Dhami.
225. Bhajji.
226. Kuthar.
227. Kumarsain.
228. Baghal.
229. Mangal.
230. Kunihar.
231. Darkoti.
232. Sangri.
233. Beja.
234. Delath.
235. Ratesh.
236. Rawingarh.
237. Dhadi.
238. Ghund.
239. Khaneti.
240. Madhan.
241. Theog.
242. Koti.
243. Bhopal.
244. Bilaspur.
245. Kutch.
246. Tripura.
247. Manipur.
248. Ajaigarh.
249. Baoni.
250. Baraundha.
251. Bijawar.
252. Chhatarpur.
253. Charkhari.
254. Datia.
255. Maihar.
256. Nagod.
257. Orchha.
258. Panna.
259. Rewa.
260. Samthar.
261. Alipura.
262. Banka Pahari.
263. Beri.
264. Bhaisaunda.
265. Bihat.
266. Bijna.
267. Dhurwai.
268. Garrauli.
269. Gaurihar.
270. Jaso.
271. Jigni.
272. Kamta Rajaula.
273. Kothi.
274. Lugasi.
275. Naigawan Rebai.
276. Pahara.
277. Paldeo (Nayagaon).
278. Sarila.
279. Sohawal.
280. Taraon.
281. Tori Fatehpur.
282. Hyderabad.
283. Mysore.
284. Jammu and Kashmir.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 21st April 1951.

MINISTRY OF HOME AFFAIRS

New Delhi, the 12th April, 1951

S. R. O. 543.—In pursuance of sub-section (3) of section 504 of the **Code of Criminal Procedure, 1898** (V of 1898), the Central Government hereby directs that the following amendment shall be made to the Schedule annexed to the notification of the Government of India, in the Ministry of Home Affairs No. 4/8/48-Judicial dated the 8th April, 1950, namely:

In column 2 against the entry "The United Kingdom" for the words "The Supreme Court of Judicature for the United Kingdom" the following shall be substituted :

"(a) The Supreme Court of Judicature at the Royal Courts of Justice, London, in case the witness resides in England, or

(b) The Supreme Court of Northern Ireland, in case the witness resides in Northern Ireland, or

(c) The Court of Session, Scotland, in case the witness resides in Scotland."

MINISTRY OF STATES

New Delhi, the 10th April 1951

S. R. O. 544.—In pursuance of clause (d) of Sub-section (10) of section 3 of the **General Clauses Act, 1897** (X of 1897), the Central Government hereby appoints the Chief Commissioner of the State of Kutch to be the Chief Controlling Revenue Authority within that State for the purpose of the Indian Stamp Act, 1899 (II of 1899).

New Delhi, the 12th April 1951

S. R. O. 545. In pursuance of clause (1) of Article 239 of the Constitution, the President hereby directs that the Chief Commissioner of Vindhya Pradesh shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the Central Government under the provisions of sections 5, 6 and 10 of the **Indian Power Alcohal Act, 1948** (XXII of 1948) in the State of Vindhya Pradesh.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 11th April 1951

S. R. O. 552.—In exercise of the powers conferred by Section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Sugar and Gur Control Order, 1950, namely :—

In the said Order—

After sub-clause (d) of clause 9 the following sub-clause shall be added as sub-clause (e) :—

"(e) seize stocks of sugar or gur or authorise any person to seize such stocks in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed."

Published in the *Gazette of India*, Extraordinary, Part II-Section 3, dated the 25th April 1951.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 25th April, 1951

S. R. O. 580.—In exercise of the powers conferred by Section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that in supersession of the amendment notified in the Ministry of Food and Agriculture Notification S. R. O. 417, dated the 24th March, 1951, the following amendment shall be made

in the Sugar and Gur Control Order, 1950, namely :—

In the said Order—

In sub-clause (e) of clause 2, between the words "boiling cane" and "juice", the words "or palmyra" shall be deleted.

Published in the *Gazette of India*, Extraordinary, Part-II-Section 3, dated the 27th April 1951.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 27th April 1951

S. R. O. 609.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In the said Order—

(1) in sub-clause (1) of clause 12 for item (b) the following shall be substituted, namely :—

"(b) sell a quantity of yarn less than 1/8th of the total quantity of yarn sold by him in the years 1949 and 1950 taken together;"

(2) Clause 20A shall be renumbered as sub-clause (i) thereof and after the clause is so renumbered the following sub-clause shall be inserted, namely :—

"(ii) Without prejudice to the provisions of sub-clause (1) (b) of clause 12 no producer having a spinning plant shall utilise any yarn except for the purpose of weaving of cloth".

(3) in sub-clause (3) of clause 21,

(a) the existing paragraph (b) shall be renumbered as paragraph (d) and the following shall be inserted as paragraphs (b) and (c) respectively, namely :—

"(b) No producer of yarn who has no weaving plant shall pack during any month a quantity of yarn less than—

(i) 80 per cent. of the total quantity of yarn produced by him during the preceding month, or

(ii) 1/16th of the total quantity of yarn packed by him during the year 1948, whichever is lower;

(c) No producer having both a spinning and a weaving plant shall pack during any month a quantity of yarn less than 80 per cent. of the average quantity of yarn packed by him per month during the two years 1949 and 1950 taken together".

(b) in the Explanation, items (ii) and (iii) shall be renumbered as (iii) and (iv) respectively, and the following shall be inserted as item (ii), namely :—

'(ii) 'yarn produced' in any month means the total quantity of yarn actually spun, that is, as obtained at the spindle point during that month".

(4) In paragraphs (b) (i) and (b) (iii) respectively of sub-clause (1) of clause 28 for the words "during the preceding two months" wherever they occur the words "during the preceding month" shall be substituted.

MINISTRY OF HOME AFFAIRS

New Delhi, the 28th April 1951

S. R. O. 615.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Delhi the Bengal Finance (Sales Tax) Act, 1941, (Bengal Act VI of 1941), as at present in force in the State of West

Bengal, subject to the following modifications, namely :—

1. Throughout the Act except as otherwise provided —

(a) for the words "State Government", "Board of Revenue", and "Board", the words "Chief Commissioner" shall be substituted ;

(b) for the words "West Bengal", the words "the State of Delhi" shall be substituted.

2. In section 2,—

(a) in clause (a) for the words "Commissioner of Commercial Taxes", the words, "Commissioner for Sales Tax" shall be substituted ;

(b) in clause (b) for the words "cash or deferred payment or other valuable consideration" the words "money consideration" shall be substituted ;

(c) for clause (h), the following clause shall be substituted ;—

"(h) "sale-price" means

(i) in the case of a sale which consists in the transfer of property in goods supplied in the execution of a contract (hereinafter referred to as a sale involved in the execution of a contract) —such portion of the amount of the money consideration for the contract as may be prescribed, representing the price of the goods supplied,

(ii) in other cases of sale—the amount of the money consideration for the sale, less any sum allowed as cash discount according to ordinary trade practice, but including any sum charged for anything done by the dealer in respect of the goods at the time of, or before, delivery thereof, other than the cost of freight or delivery or the cost of installation when such cost is separately charged;"

(d) for clause (i), the following clause shall be substituted, namely :—

(i) "turnover" used in relation to any period means the aggregate of the sale-price or part of sale-prices receivable, or if a dealer so elects, actually received by the dealer during such period after deducting the amounts, if any, refunded by the dealer in respect of any goods returned by the purchaser within such period ;

Provided that an election as aforesaid once made shall not be altered except with the permission of the Commissioner and on such terms and conditions as he may think fit to impose";

3. In sub-section (1) of section 3, for the words "Commissioner of Commercial Taxes" the words "Commissioner of Sales Tax" and for the word "it" the words "the Chief Commissioner" shall be substituted.

4. In section 4 in clause (c) of sub-section (5) for the figures "50,000" the figures "30,000" shall be substituted.

5. In section 5,—

(a) in sub-section (1) for the words "three-quarters" the words "one-half" shall be substituted ;

(b) in sub-section (2) for sub-clause (ii) of clause (a), the following sub-clause shall be substituted, namely :—

"(ii) sales to a registered dealer—

of goods of the class or classes specified in the certificate of registration of such dealer, as being intended for re-sale by him, or for use by him in the manufacture of goods for sale or for use by him in the execution of any contract ; and

of containers or other materials for the packing of goods of the class or classes so specified ;

Provided that in the case of such sales a declaration duly filled up and signed by the registered dealer to whom the goods are sold and containing prescribed particulars on a prescribed form obtainable from the prescribed

authority is furnished in the prescribed manner by the dealer who sells the goods.".

6. In sub-section (2) of section 6,—

(a) the words "State Government" shall stand unmodified;

(b) for the words "add to the Schedule", the words "add to or omit from or otherwise amend the Schedule" shall be substituted.

7. For section 9, the following section shall be substituted, namely:—

"9. The Commissioner shall, as soon as may be after the commencement of this Act publish in the Official Gazette a list of the names and addresses of the registered dealers together with a description of the goods covered by the certificate of the registration, and thereafter shall in like manner from time to time publish—

(a) such particulars of any dealer who is subsequently registered or whose registration certificate is amended or whose registration is cancelled as soon as may be after such registration or cancellation, and

(b) a consolidated list embodying the modification made in the first list published under this section."

8. In section 11,—

(a) in sub-section (2) for the words from "who imports for sale any goods" to "expiry of such period", the words "who has been liable to pay tax under this Act in respect of any period but has failed to get himself registered, the Commissioner shall" shall be substituted.

(b) the proviso to sub-section 2(a) shall be omitted.

9. For section 17, the following section shall be substituted, namely:

"17. Where the ownership of the business of a registered dealer is entirely transferred and the transferee carries on such business either in its old name or in some other name, the transferee shall for all the purposes of this Act (except for liabilities under this Act already registered by such dealer) be deemed to be and to have always been registered as if the certificate of registration of such dealer had initially been granted to the transferee; and the transferee shall on application to the Commissioner be entitled to have the registration certificate amended accordingly."

10. In sub-section (3) of section 21 for the word "Board's" the words "Chief Commissioner's" shall be substituted

11. In sub-section (2) of section 22, the words "Presidency Magistrate or a" shall be omitted.

12. Clause (5) of sub-section (2) of section 26 shall be omitted.

13. In clause (b) of sub-section (1) of section 27, the words and figures "after the 31st day of March 1951" shall be omitted.

14. For the Schedule, the following Schedule shall be substituted, namely :—

"THE SCHEDUDE

(*See* Section 6)

Exempted goods

1. All cereals and pulses including all forms of rice (except when sold in sealed containers.)

2. Flour including atta, maida, suji and bran (except when sold in sealed containers.)

3. Bread.

4. Meat (except when sold in sealed containers.)

5. Fish (except when sold in sealed containers.)

6. Fresh eggs.

6a. Live Stock including poultry.

7. Vegetables, green or dried and vegetable seeds and plants (other than medicinal preparations) (except when sold in sealed containers.)
8 Fruits, fresh and dried (except when sold in sealed containers.)
9. Gur, sugar and molasses.
10. Salt.
11. Pepper tamarind and chillies.
12. Fresh milk whole or separated and milk products.
13. Karadi (safflower) oil and til (sesamun) oil.
14. Turmeric.
15. All edible oils.
16. Ghee.
16a. Dahi, butter and khoa.
17. Cloth, of such descriptions as may from time to time be specified by notification in the Gazette, costing less per yard than Rs. 3 or such other sum as may be so specified.
18. Cloth woven on handlooms exclusively out of handspun yarn and sold by persons dealing exclusively in such cloth.
19. Kumbals, Blankets and rugs costing less than Rs. 15.
20. Indian hand woven woolen cloth woven on handlooms wholly with handspun yarn, costing not more than Rs. 3 per yard and sold by persons dealing exclusively in such cloth.
21. Raw cotton including ginned cotton and unginned cotton or kapas, or cotton thread ; cotton yarn.
21-A. Knitting wool.
22. Cotton seed.
23. Paper and newsprint.
24. School exercise and drawing books.
25. All text books, approved by the Director of Public Instruction.
26. Kerosene.
27. Agricultural machinery and all kinds of Indian made spare parts of mechanically propelled vehicles.
28. Coal including coke and other derivatives ; Fuel wood ; charcoal.
29. Raw iron and steel and agricultural implements manufactured from the same.
30. Mica.
31. Jute Manufactures.
32. Matches.
33. Cattle feeds including fodder.
34. Electrical energy.
35. Motor Spirit."

The text of the said Act as modified is published as an annexure to the notification.

ANNEXURE

* * * * *

Published in the *Gazette of India*, Part II-Sec. 3, dated the 28th April 1951.

MINISTRY OF HOME AFFAIRS

New Delhi, the 21st April 1951.

S.R.O. 582.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends the Punjab Tenants (Security of Tenure) Act, 1950 (Punjab Act XXII of 1950) to the State of Delhi (Excluding the territory specified in Schedule I to the Delhi Laws Act, 1915) subject to the following modifications, namely :—

In the said Act

(1) For the words 'the Punjab' or 'the State of Punjab' wherever they occur, the words 'the State of Delhi' shall be substituted and for the words 'State Government' wherever they occur the words 'Chief Commissioner' shall be substituted.

(2) References to any enactment shall be construed as references to that enactment as applied to the State of Delhi.

(3) Sub-section (3) of section 1 shall be omitted.

(4) In section 2:—

(a) in clause (1) the words, brackets letters and figures 'and shall include an "allottee" and "Lessee" as defined in clauses (d) and (e) respectively of section 2 of the East Punjab Displaced Persons (Land Resettlement) Act, 1949' shall be omitted;

(b) after clause (4) the following clause shall be inserted, namely:—

(4A) 'State of Delhi' does not include the territories specified in Schedule I to the Delhi Laws Act, 1915;

(c) in clause (5), sub-clause (iii) shall be omitted.

(5) In sub-section (2) of section 5, for the word and figures '16th June, 1950' the word and figures '16th April, 1951' shall be substituted.

(6) In section 6,

(a) in clause (ii) for the word and figures '20th October, 1950' the word and figures '16th November, 1951' shall be substituted;

(b) in clauses (iv) and (v) for the word and figures '15th June, 1950' the word and figures '15th May, 1951', shall be substituted.

(7) In section 10, for the word and figures '1st May, 1950' the word and figures '16th April 1951' shall be substituted.

(8) For section 14, the following section shall be substituted, namely:—

'14. Where a tenant who was ejected before the commencement of this Act on any grounds other than those specified in section 6 had made an application against the decree or order of ejectment within a period of 30 days from such decree or order to the court or officer passing the decree or order of ejectment and such application is pending at the commencement of this Act, the tenant shall, subject to the provisions of this Act, be put in possession of the land on the same terms and conditions on which he held the land at the time of his ejectment.'

(9) In sub-section (2) of section 16,

(a) the words 'Custodian of Evacuee Property' shall be omitted;

(b) for the word 'their' the word 'its' shall be substituted.

(10) Section 18 shall be omitted.

2. The text of the said Act as modified is published as an annexure to this notification.

ANNEXURE

* * * * *

New Delhi, the 24th April 1951

S.R.O. 583. In exercise of the powers conferred by clause (1) of article 258 of the **Constitution**, and in supersession of the notification of the Government of India in the late Home Department No. 202/37-I, dated the 8th November 1939, the President hereby entrusts to the Governments of Part A States specified in column 1 of the Schedule hereto annexed, with their consent, the functions of the Central Government under—

(a) sections 4, 5, 17 to 21, and 30 of the Official Trustees Act, 1913 (II of 1913), and

(b) sections 3, 4, 27, 32, 42 to 47, and 50 of the Administrator Gen-

eral's 1913 (III of 1913),
in relation to the Part C State or Part C States specified in the corresponding entry in column 2 of the said Schedule.

THE SCHEDULE

PART A STATES 1.	PART C STATES 2.
1. Assam	Manipur Tripura.
2. Bombay	Kutch.
3. Madhya Pradesh	Bhopal.
4. Madras	Coorg.
5. Punjab	Delhi; Himachal Pradesh; Bilaspur.
6. Uttar Pradesh	Ajmer; Vindhya Pradhesh
7. West Bengal	Andaman and Nicobar Islands.

MINISTRY OF STATES

New Delhi, the 20th April 1951

S.R.O. 584.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Himachal Pradesh the Punjab Fisheries Act, 1914 (Punjab Act II of 1914), as at present in force in the State of Punjab, subject to the following modifications, namely :—

(1) Throughout the Act, except in section 7, for the words "Provincial Government", the words "Chief Commissioner" shall be substituted.

(2) Throughout the Act, except in the Short title, for the word "Punjab" the words "Himachal Pradesh" shall be substituted.

ANNEXURE

S.R.O. 585.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Bilaspur the Punjab Fisheries Act, 1914 (Punjab Act II of 1914), as at present in force in the State of Punjab, subject to the following modifications, namely :—

(1) Throughout the Act, except in section 7, for the words "Provincial Government", the words "Chief Commissioner" shall be substituted.

(2) Throughout the Act, except in the Short title, for the word "Punjab" the word "Bilaspur" shall be substituted.

ANNEXURE

MINISTRY OF FINANCE

New Delhi, the 20th April 1951

S.R.O. 586.—In exercise of the powers conferred by sub-section (1) of section 52 of the **Banking Companies Act, 1949** (X of 1949), read with section 23 of the General Clauses Act, 1897 (X of 1897), the Central Government is pleased to direct that the following amendments shall be made in the Banking Companies Rules, 1949, the same having been previously published as required by sub-section (3) of the former section, namely :

1. In the said Rules and the Forms annexed thereto, wherever an expression mentioned in the first column of the Table hereinunder printed occurs there shall be substituted therefor the expression set opposite to it in the second column of that Table.

TABLE

(1)	(2)
'Province'	State
'Provincial'	
'Province or State'	
'in a province of India'	in India
'within any province of India'	
'in any provinces of India'	
'in the provinces of India'	
'elsewhere than in a province of India'	outside India
'outside the provinces of India'	

II. In the said Rules—

1. In rule 2, sub-rule (2) shall be omitted.

2. For rule 14 the following Rule shall be substituted, namely :—

"14. Publication of approved currencies and securities :—

(1) The Reserve Bank shall, not later than one month from the commencement of these rules, by a notification in the Gazette of India, publish for the purpose of section 25 of the Act a list of currencies in which export bills drawn in, and import bills drawn on and payable in, India may be expressed.

(2) The Reserve Bank may, by notification in the Gazette of India, publish for the purpose of section 25 of the Act, a list of securities approved by it.

(3) Any alteration in the lists referred to in sub-rules (1) and (2) shall also be published in the Gazette of India.

(4) An alteration, adding a currency or security to the list, shall take effect from the date of publication of the alteration while an alteration, omitting a currency or security from the list, shall take effect at the expiry of three months from the date of publication of the alteration."

3. To Rule 15 the following Explanation shall be added, namely :—

"*Explanation* : For the purposes of this rule, the expression 'newspaper' means any newspaper or journal published at least once a week, but does not include a journal other than a banking, commercial, financial or economic journal."

III. In the Forms annexed to the said Rules –

1. The foot notes in Forms I, IV, V, VI, VII, VIII, IX, X, XII and XIII, in so far as they relate to Acceding States, shall be omitted.

2. In the first foot note to Form I, before the letters "etc." the following words shall be inserted namely : –

"fees and allowances to directors".

3. In Forms V, VI, VII and VIII, in item 2, for the words "Place of registration" the words "Place of location of the registered office" shall be substituted.

4. In Form X—

(i) for the item "B. Minimum amount of assets required to be held under section 24 of the Act (20 per cent. of A (3) ..." the following item shall be substituted, namely :—

"B. Minimum amount of assets required to be held under section 24 of the Act [20 per cent. of A (3)]."

(ii) In the foot note (a), for the brackets, figures and word "(XVI of 1881)" the following shall be substituted, namely :—

"(XXVI of 1881)".

5. In Form XI, under the heading "C. Assets in the Provinces of India" for item 12 the following item shall be substituted, namely :—

"12. Securities approved by the Reserve Bank under section 25(3) (a) of the Act and not included in any of the above item."

6. In Form XII in the heading of column 4 for the letters "etc." the following shall be substituted, namely :—

"or other accounts of the nature of deposits".

7. In Form XIII—

(i) Under the heading "A. Liabilities in the Provinces of India" for item 5 the following item shall be substituted, namely :—

"5. Borrowings from other banking companies".

(ii) Under the heading "B. Assets in the Provinces of India" for item 8(1) the following item shall be substituted, namely :—

"(1) In Securities (including treasury bills) of—

(a) Central Government,

(b) any State Government".

(iii) Under the heading "B. Assets in the Provinces of India" for item 10 the following item shall be substituted, namely :—

"10. Due from banking companies."

(iv) In the second foot note, for the brackets, figures and word "(XVI of 1881)" the following shall be substituted, namely :—

"(XXVI of 1881)".

(v) In the third foot note, for the words "the Provinces of India and Acceding States to which the Act extends" the word "India" shall be substituted.

MINISTRY OF FINANCE (REVENUE DIVISION)

New Delhi, the 23rd April 1951

S. R. O. 588.—In exercise of the powers conferred by sections 9 and 75 of the **Indian Stamp Act, 1899** (II of 1899), the Central Government hereby extends to the States of Tripura, Vindhya Pradesh and Manipur all Rules made, and orders issued in exercise of the powers conferred by said sections by the Central Government, and in force in the rest of India on the 15th day of April 1950.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 20th April 1951

S. R. O 595.—In exercise of the powers conferred by Section 22 of the **Supply and Prices of Goods Act, 1950** (LXX of 1950) the Central Government hereby directs that the powers exercisable by it under clauses (a) and (b) of section 13, sub-section (1) of section 16, section 17 and section 19 of the said Act shall be exercisable also by the Government of the State of Bihar.

MINISTRY OF HEALTH

New Delhi, the 17th April 1951

S. R. O. 601.—In pursuance of sub section (1) of section 239 of the Constitution, the President hereby directs that the powers of a State Government under sections 20 and 21 of the Drugs Act, 1940 (XXIII of 1940), shall, in the States of Bhopal, Bilaspur, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh be exercised by the Chief Commissioners of the respective States.

MINISTRY OF REHABILITATION

New Delhi, the 10th April 1951

S. R. O. 602.—In pursuance of sub-section (1) of section 6 of the **Influx from Pakistan (Control) Act, 1949** (XXIII of 1949), and in supersession

of the notification of the Government of India in the Ministry of Rehabilitation No. S. R. O. 480, dated the 12th August 1950, the Central Government hereby empowers an Assistant Sub-Inspector and a Head Constable of Police in the States of Punjab and Rajasthan, and an Assistant Sub-Inspector of Police or any other officer of Police of corresponding rank in the rest of India to exercise the powers referred to in the said sub-section.

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Published in the *Gazette of India*, Part II-Sec. 3, dated the 5th May 1951.

CENTRAL BOARD OF REVENUE

New Delhi, the 13th April 1951

S. R. O. 624.—In exercise of the powers conferred by sub-section (1) of section 59 of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said Section, namely:

In the Assessment Form appended to rule 20 of the said Rules—

In Part II :—

(a) for items (e) and (f), the following items shall be substituted, namely :—

"(e) Interest on tax-free securities.

(f) Income accruing or arising in the State of Jammu and Kashmir which is exempt unless brought into the territory of India other than the said State."

(b) after item (j), the following item shall be added, namely :—

"(k) Other items, if any"

(2) In Part III

(a) under the heading "*Add*"—

in the entry "Additional income-tax payable by an Indian company..." the words "an Indian" shall be substituted by the artiele "a".

(b) Under the heading "*Deduct*"—

(i) in the entry "Rebate of income-tax payable by an Indian company " the words "an Indian" shall be substituted by the article "a".

(ii) the words "Tax paid in Mysore State, Civil and Military Station, Bangalore or in an administered area" shall be omitted.

(iii) at the end, the words and letters "Rebate on income arising in —

(a) merged territories

(b) Part B States"

shall be inserted.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 27th April 1951

S. R. O. 633 —In exercise of the powers conferred by Section 4 of the **Essential Supplies (Temporary Powers) Act, 1946** (Act No. XXIV of 1946), the Central Government hereby directs that the powers conferred on it by Section 3 of the said Act shall in relation to the production, supply, and, distribution of hay in the State of Bombay be exercisable also by the Government of Bombay for a period of three months from the date of the publication of this notification.

MINISTRY OF REHABILITATION

New Delhi, the 10th April 1951

S. R. O. 637.—In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949**, (XXIII of 1 949), the ntral Government hereby directs that the following further amendment shall be

made in the Permit System Rules, 1949, namely :—

In rule 29 of the said rules, after sub-rule (4) the following sub-rule shall be inserted, namely :—

"(5) Notwithstanding anything contained in sub-rule (4) the authority cancelling a permit may at any time direct that the person whose permit is cancelled shall be taken into custody and expelled from India."

Published in the *Gazette of India*, Pt. II-Sec. 3, dated the 12th May 1951.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 3rd May 1951

S. R. O. 674.—In exercise of the powers conferred by section 22 of the **Supply and Prices of Goods Act, 1950** (LXX of 1950), the Central Government hereby directs that the powers exercisable by it under clauses (a) and (b) of section 13, sub-section (1) of section 16 and sub-section (2) of section 19 of the said Act shall be exercisable in the State of Punjab also by the Government of Punjab.

MINISTRY OF REHABILITATION

New Delhi, the 26th April 1951

S. R. O. 680.—In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949** (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made in the Permit System Rules 1949, namely :—

In the said Rules for rule 31(A), the following rule shall be substituted, namely :—

"31(A) (i) The Deputy High Commissioner for India in Pakistan, Dacca, may issue a transit permit to an officer of the Government of Pakistan or an officer of the Government of East Bengal, residing in East Bengal, who has to pass through the territory of India while visiting West Pakistan on official duty. Applications for such permits will be routed through the Chief Secretary to the Government of East Bengal.

(ii) The Deputy High Commissioner for India in Pakistan, Dacca, may, on the application of any person to whom sub-rule (2) of rule 31 applies and who wants to enter India through any place in East Bengal, extend the period of validity of a transit or a temporary permit, issued by the High Commissioner for India in Pakistan, Karachi, or the Deputy High Commissioner for India in Pakistan, Lahore, for such period not exceeding two months, as he may think fit".

S. R. O. 681 In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949** (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made to the Permit System Rules, 1949, namely :—

To rule 20 of the said Rules, the following Explanation shall be added, namely :—

"*Explanation.*—In this rule, the expression "Superintendent of Police" includes the Superintendent of Police (Recovery) Punjab"

Delhi, the 27th April 1951

S. R. O. 682.—In exercise of the powers conferred by section 16 of the **Displaced Persons (Claims) Act, 1950** (XLIV of 1950), the Central Government hereby directs that the following amendment shall be made in the Displaced Persons (Verification of Claims) Rules, 1950 :

In Rule 22 of the said Rules, the following words shall be added at the end, namely :—

"Claims Commissioner, Joint Chief Claims Commissioner, Chief Claims Commissioner or any other revisional authority."

New Delhi, the 3rd May 1951

S. R. O. 683.—In exercise of the powers conferred by clause (e) of sub-section (3) of section 56 of the **Administration of Evacuee Property Act, 1950** (No. XXXI of 1950), the Central Government hereby notifies that the books of accounts maintained by the Custodians of Evacuee Property will be audited by the Comptroller and Auditor General of India in such manner as may be prescribed by him in this behalf from time to time.

Published in *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 10th May 1951.

MINISTRY OF FOOD AND AGRICULTURE.

New Delhi, the 10th May, 1951.

S.R O. 659-A.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the **Sugar and Gur Control Order, 1950 ;** namely :

For clause 12 of the said Order, the following clause shall be substituted, namely :

12. *Repeal.*—The Sugar Stocks (Control) Order 1949, and any Order made by a State Government or other authority regulating or prohibiting the production, supply and distribution of sugar or gur and trade or commerce therein are hereby repealed, except as respect things done or omitted to be done under any such order before the commencement of this Order :

Provided that any such Order, in so far as it empowers any authority to grant a licence to a producer to manufacture sugar by Vacuum Pan Process, shall continue in force and any such licence issued under any such order shall be deemed to have been issued under this Order

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Published in the *Gazette of India*, Part II-Sec. 3, dated the 19th May 1951.

MINISTRY OF STATES.

New Delhi, the 9th May 1951.

S.R.O. 709.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Kutch with effect from the 10th May 1951 sections 12, 13 and 14 of the Bombay Finance Act, 1932 (Bombay Act II of 1932), subject to the following modification, namely :—

In section 12, for the words "Presidency of Bombay" the words "State of Kutch" shall be substituted.

ANNEXURE

Sections 12, 13 and 14 of the Bombay Finance Act, 1932 (Bombay Act, II of 1932), as modified by this notification.

* * * *

MINISTRY OF FOOD AND AGRICULTURE.

New Delhi, the 10th May 1951

S.R.O. 717 —In exercise of the powers conferred by section 6 of the **Agricultural Produce (Grading and Marking) Act, 1937** (I of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to ("Rosin and Turpentine".)

MINISTRY OF REHABILITATION.

New Delhi, the 26th April 1951.

S.R.O. 723.—In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949** (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be

made in the Permit System Rules, 1949, namely :—

To sub-rule (iv) of rule 5 of the said Rules, the following proviso shall be added, namely :—

Provided that in the Presidency towns of Bombay, Calcuttta and Madras the powers conferred by this sub-rule may be exercised by the Commissioner of Police or a Deputy Commissioner of Police.

New Delhi, the 3rd May 1951.

S.R.O. 724. - In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949** (XXIII of 1949), the Central Government hereby directs that the following further amendments shall be made in the Permit System Rules, 1949, namely :—

(i) In forms A, B and C, after column 5(b), the following additional column shall be inserted, namely :—

"(c) whether you are or have previously been a member of the Armed Forces of Pakistan or a Civilian Government servant in any department connected directly with the Defence Services of Pakistan."

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 23rd May 1951.

MINISTRY OF FINANCE

New Delhi, the 23rd May 1951.

S.R.O. 761.—In exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President hereby entrusts to all Governments of Part B States, with their consent, the functions of the Central Government under all the provisions of the **Indian Companies Act, 1913** (VII of 1913), other than those specified in the Schedule hereto annexed.

THE SCHEDULE

Sub-section (3) of Section 11

Sub-section (4) of section 11 in so far as an insurance company as defined in clause (8) of section 2 of the Insurance Act, 1938, is concerned.

Sub-section (5) of section 107

Sub-sections (1) and (2A) of section 144.

Section 151.

Sub-section (1) of section 249.

Sub-section (8) of section 277.

Published in the *Gazette of India*, Part II-Sec. 3, dated the 26th May 1951.

MINISTRY OF REHABILITATION

Delhi, the 12th May 1951

S.R.O. 786.—In exercise of the powers conferred by section 16 of the **Displaced Persons' (Claims) Act, 1950** (XLIV of 1950), the Central Government hereby directs that the following amendment shall be made in the Displaced Persons' (Verification of Claims) Rules, 1950.

For rule 22 of the said rules the following rule shall be substituted, namely :—

22. (i) A fee of -/8/- shall be levied for supplying to a claimant the first copy of a final order made by a Claims Officer.

(ii) A fee of Re. 1 shall be levied for supplying to a claimant a first copy of the final order made by the Revising authority if the application is made at or before the hearing.

(iii) (a) The following fee shall be charged where an application for copies is made to the Central Claims Officer.

First 200 words or under Re. 1/-.

Every additional 100 words or fraction thereof -/8/-.

(b) An additional fee of Re. 1 shall be charged for a copy urgently required.

(c) A search fee at the rate of Re. 1 shall be levied if no Index number or Registration number is given in the application for a copy.

(iv) The fee for copies should be paid in the form of Indian Postal Order crossed in the name of Joint Chief Claims Commissioner and attached to the application for a copy.

New Delhi, the 18th May 1951

S.R.O. 787.—In exercise of the powers conferred by sub-section (1) section 55 of the **Administration of Evacuee Property Act, 1950** (XXXI of 1950), the Central Government is pleased to delegate to the Deputy Director, Rehabilitation, Alwar, the power to issue certificates as required under the proviso to sub-section (1) of section 16 of the aforesaid Act, to the Meos who have been restored their holdings in the Matsya Union and whose pucca houses have to be restored to them.

Published in the *Gazette of India* Part II-Sec. 3, dated the 2nd June 1951.

MINISTRY OF HEALTH

New Delhi, the 24th May 1951

S.R.O. 845 —In exercise of the powers conferred by article 239 (1) of the Constitution, the President hereby directs that the powers of the State Government under the **Pharmacy Act, 1948** (VIII of 1948) shall be exercised in the State of Manipur by the Chief Commissioner of the State.

Published in the *Gazette of India* Part II-Sec. 3 dated the 9th June 1951.

MINISTRY OF HOME AFFAIRS

New Delhi, the 31st May 1951

S. R. O. 862.—In exercise of the powers conferred by section 2 of the **Part C States (Laws) Act, 1950** (XXX of 1950), the Central Government hereby extends to the State of Delhi the Bengal General Clauses Act, 1899 (Bengal Act I of 1899) as at present in force in the State of West Bengal, subject to the following modifications, namely :—

1. References to a Bengal or a West Bengal Act shall be construed as references to the Bengal Act or the West Bengal Act as extended to the State of Delhi.

2. In section 3, for clause (8), the following clause shall be substituted ; namely,—

'(8) "Collector" means the Collector of Delhi'.

3. Section 6 shall be omitted.

4. In section 23—

(a) the words "on the passing thereof" shall be omitted ;

(b) for the words "after the passing of the Act", the words "after the extension of the Act to the State of Delhi" shall be substituted.

2. The text of the said Act as modified is published as an annexure to the notification.

ANNEXURE

* * * *

CORRIGENDUM

New Delhi, the 1st June 1951

S. R. O. 864.—In the annexure to the notification of the Government of India in the Ministry of Home Affairs No. S. R. O. 615[1], dated the 28th

1. Printed at page 68 of Part II, C. I. S. 1951.

April 1951, published in the Gazette of India Extraordinary, Part II-Section 3, dated the 28th April 1951, at the end of section 16 of the Bengal Finance (Sales Tax) Act, 1941 (Bengal Act VI of 1941) as extended to the State of Delhi, the following shall be inserted :—

'he shall within the prescribed time inform the prescribed authority accordingly ; and if any such dealer dies, his legal representative shall in like manner inform the said authority'.

MINISTRY OF STATES

New Delhi, the 4th June 1951

S. R. O. 866.—In pursuance of sub-clause (d) of clause (10) of section 3 of the **General Clauses Act, 1897** (X of 1897) the Central Government hereby appoints the Chief Commissioner of the State of Tripura to be the Chief Controlling Revenue Authority within that State for the purpose of the Indian Stamp Act, 1899 (II of 1899).

New Delhi, the 4th June 1951

S. R. O. 869.—In exercise of the powers conferred by section 53 of the **Banking Companies Act, 1949** (X of 1949), and on the recommendation of the Reserve Bank of India the Central Government hereby declares that the provisions of Section 24 of the said Act shall not apply to any banking company for a period of one year in so far as they—

(a) require the inclusion of borrowings by the banking company from the Imperial Bank of India in computing the time and demand liabilities in India of the banking company ; and

(b) preclude the maintenance by the banking company of the amount specified in that section in the form of approved securities which are lodged with another institution for an advance or other credit arrangement, such securities being valued at a price not exceeding the current market price less the extent to which they have been drawn against or credit arrangements in regard to them have been availed of.

CORRIGENDUM

New Delhi, the 29th May 1951

S. R. O. 870.—In the notification No. F. 4 (93)-F.I/50[1], dated the 20th April 1951, published at pages 633 and 634 of the *Gazette of India*, Part II, Section 3, dated the 28th April 1951—

(i) For the existing item III 1 read

"The footnotes in Forms I, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII, in so far as they relate to Acceding States, shall be omitted."

(ii) In item III 4 (i) for the words, brackets and figures "20 per cent. of A(3)....." read

["20 per cent. of A(3)]"

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 15th June 1951.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 15th June 1951

S.R.O. 923.—In exercise of the powers conferred by Section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the Newsprint Control Order, 1951, namely :—

In the said Order :—

(a) After clause 3 the following clause shall be inserted, namely :—

"3A *Restriction on cutting of Newsprint Reels.*—No person shall cut reels of newsprint of 32 inches width or above into sheets except under a

1. Printed as S. R. O. 586 at page 73 of Part II, C. I. S., 1951

general or special permission in writing granted by the Central Government or by an officer authorised by the Central Government in this behalf".

(b) In clause 9—

(i) after the words "quantity", the words "and variety" shall be inserted :

(ii) the following explanation shall be added, namely :

Explanation.- For the purpose of this clause, reels of newsprint of different width shall be deemed to be different varieties of newsprint.

(c) After clause 9, the following clause shall be inserted, namely :

"9A. *Submission of returns by persons using newsprint for purposes other than that of printing a newspaper :—*

Every person using newsprint for a purpose other than that of printing a newspaper shall submit to the Secretary to the Government of India Ministry of Commerce and Industry, New Delhi, on or before the 7th day of every month a true return in writing, stating the quantity of newsprint so used during the preceding month and the purpose or purposes for which it was used".

New Delhi, the 15th June 1951

S. R. O. 924.—In pursuance of clause 3 of the **Newsprint Control Order, 1951,** the Central Government hereby gives general permission for the use of newsprint in the form of sheets for purposes other than the printing of newspapers for a period of six months commencing from the 15th June, 1951.

New Delhi, the 16th June 1951

S.R.O. 903. - In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (No. XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In sub-paragraph (ii) of paragraph (b) of sub-clause (3) of clause 21 of the said Order, for the words and figures "April, May and June, 1951" the words and figures "April, May, June and July, 1951" shall be substituted.

Published in the *Gazette of India*, Part II-Sec. 3, dated the 30th June 1951.

MINISTRY OF FINANCE (REVENUE DIVISION)

New Delhi, the 26th June 1951

S.R.O. 977.—In exercise of the powers conferred by section 60A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government hereby makes the following further amendments to the Part B States (Taxation Concessions) Order, 1950[1], namely :—

In the said Order—

(1) In paragraph 6, after the words and figures "31st day of March 1951" the words and figures "or on the 31st day of March 1952, as the case may be", shall be *inserted ;*

(2) In paragraph 7, after the words and figures "31st day of March 1951" the words and figures "or on the 31st day of March 1952, as the case may be", shall be *inserted ;*

(3) In sub-paragraph (2) of paragraph 11, after the words and figures "1st day of April 1950" the words and figures "or on the 1st day of April 1951, as the case may be" shall be *inserted.*

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1. Printed at page 9 of Part II, C. I S. 1951

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

New Delhi, the 19th June 1951.

S.R.O. 987.—In exercise of the powers conferred by section 13 of the **Atomic Energy Act, 1948** (XXIX of 1948), the Central Government hereby directs that the powers conferred upon it by section 7 of the said Act shall, in relation to the Istimrari areas in the State of Ajmer, be exercisable also by the Chief Commissioner of that State.

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 9th July 1951.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 9th July 1951

S R.O. 1037.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In the said Order for clause 30 the following shall be substituted, namely,—

"30 (1) No producer shall sell or deliver any cloth or yarn which has been produced by him except to such person or persons and subject to such conditions as the Textile Commissioner may specify ;

(2) Without prejudice to the provisions of sub-clause (1), the Textile Commissioner may, with a view to securing a proper distribution of cloth or yarn or with a view to securing compliance with this order, direct any manufacturer or dealer or any class of manufacturers or dealers—

(a) to sell to such person or persons such quantities of such description of cloth or yarn as the Textile Commissioner may specify ;

(b) not to sell or deliver any cloth or yarn or cloth or yarn of a specified description except to such person or persons and subject to such conditions as the Textile Commissioner may specify ;

(3) The Textile Commissioner may issue such further instructions as he thinks fit in order to carry out the provisions of sub-clause (1) or any direction under sub-clause (2) :

(4) Every manufacturer or dealer, to whom a direction or instruction is issued under this clause, shall comply with any such direction or instruction".

Published in the *Gazette of India*, Part II-Sec. 3, dated the 28th July 1951.

MINISTRY OF FINANCE (REVENUE DIVISION)

New Delhi, the 16th July, 1951

S.R.O. 1131.—In exercise of the powers conferred by sub-section (3) of section 10 of the Indian Finance Act, 1942 (XII of 1942) read with sub-section (5) of section 2 of the **Excess Profits Tax Ordinance, 1943** (XVI of 1943), the Central Government hereby directs that the following further amendments shall be made in the Excess Profits Tax (Post-War Refunds) Rules, 1942, namely :—

(1) In rule 9 of the said Rules—

(i) after sub-rule (1) the following shall be added, namely—

"(1A) An application for refund of so much of any excess profits tax as may be repayable under the provisions of sub-section (1) of section 10 of the Finance Act shall be made in Form E.P. 4-21A to the Excess Profits Tax Officer and thereupon the Excess Profits Tax Officer shall after deducting, from the amount of excess profits tax repayable, the appropriate income-tax and super-tax due thereon under the provisions of sub-sec-

tions (11) and (12) of section 11 of the Indian Finance Act, 1946, refund the balance to the person who paid the tax :

Provided that—

(i) in the case of an individual who, at the time when repayable excess profits tax is refundable, is dead, refund shall be made to the person, who, under a letter of administration, probate or succession certificate, is entitled thereto;

(ii) in the case of a Company which, at the time when the repayable, excess profits tax is refundable, is in course of winding up refund shall be made to the Liquidator of the Company ;

(iii) in the case of a Hindu Undivided Family which at the time when the repayable excess profits tax is refundable has been disrupted, the refund shall be made to the person or persons to whom the repayable excess profits tax was assigned upon such disruption ;

(iv) in the case of a firm the constitution of which, at the time when the repayable excess profits tax is refundable, is different from its constitution during the chargeable accounting period in respect of which the excess profits tax was paid, refund shall be made to the firm as constituted when the refund is due ;

(v) in the case of a firm, which, at the time when the repayable excess profits tax is refundable, is no longer in existence, refund shall be made jointly to the persons who were partners in the firm during the chargeable accounting period in respect of which the excess profits tax was paid, or to any person jointly nominated by them to receive the refund, with the substitution in the case of a deceased partner, of the administrator or other legal representative

Provided further that, if the identity of the person entitled under the preceding provisions to receive a refund is in dispute or if any substantial question of title is, in the opinion of the Excess Profits Tax Officer involved, such Officer may require the production of an order of the Competent Civil Court determining the person entitled to receive the refund or any part thereof."

(ii) in sub-rule (2) after the word, figure and brackets "sub rule (1)" the words, figure, letter and brackets "or sub-rule (1A)" shall be inserted.

(2) At the end of rule 10 of the said Rules, the following paragraph shall be added, namely ;—

"The provisions contained in the provisos to sub-rules (1) and (1A) of rule 9 shall apply to any refund to be made under this rule."

(3) For the existing Form EP 4-17, the following form shall be substituted, namely:—

"E.P. 4-17

EXCESS PROFITS TAX

Application for refund under the proviso to rule 7 and/or under rule 18 of the Excess Profits Tax (Post War Refunds) Rules, 1942.

* * * * *

(4) The application for refund of so much of any excess profits tax as may be repayable under the provisions of sub-section (1) of section 10 of the Finance Act shall be in the following form, namely :—

"E. P. 4-21A

EXCESS PROFITS TAX

Application for the refund of Excess Profits Tax repayable under the provisions of sub-section (1) of section 10 of the Indian Finance Act, 1942.

* * * * *

MINISTRY OF FOOD AND AGRICULTURE

S. R. O. 1151.—New Delhi, the 28th July, 1951.—In exercise of the powers conferred by Section 4 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government hereby directs that the powers conferred on it by Section 3 of the said Act to provide for the matters specified in clauses (c), (f), (h), (i) and (j) of sub-section (2) thereof, shall, in relation to foodstuffs, excluding gram, pulses, edible oils, edible oilseeds, sugar, gur and ghee be exercisable also by the District Collectors in the State of Madras subject to such directions, general or special, as the Government of Madras may issue in this behalf.

MINISTRY OF REHABILITATION.

S. R. O. 1152.—New Delhi, the 29th June, 1951.—In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949** (XXIII of 1949), the Central Government hereby directs that the following further amendments shall be made in the Permit System Rules, 1949, namely :—

In rule 5 of the said rules—

(a) the proviso to clause (iv) shall be omitted,

(b) the following proviso shall be added at the end, namely :—

"Provided that in the Presidency towns of Bombay, Calcutta and Madras the powers conferred by clauses (iii) and (iv) may be exercised by the Commissioner of Police or a Deputy Commissioner of Police".

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 11th August 1951.

MINISTRY OF TRANSPORT

S.R O. 1226.—New Delhi, the 11th August 1951.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Inland Steam Vessels (Amendment) Act, 1951** (XXVI of 1951), the Central Government hereby appoints the 16th day of August 1951 as the date on which the remaining sections of the said Act shall come into force.

Published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 1st September 1951.

MINISTRY OF LAW

S. R. O. 1340.—New Delhi, the 1st September, 1951.—In exercise of the powers conferred by clause (c) of section 29 of the **Code of Civil Procedure, 1908** (V of 1908), the Central Government hereby declares that the provisions of the said section shall apply to all civil and revenue courts in Pakistan.

S. R. O. 1341.—New Delhi, the 1st September 1951.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Code of Civil Procedure (Second Amendment) Act, 1951** (XIX of 1951), the Central Government hereby appoints the first day of September, 1951, as the date on which the said Act shall come into force.

S.R.O. 1342.—New Delhi, the 1st September 1951.—In pursuance of the second proviso to rule 25 of Order V in the First Schedule to the **Code of Civil Procedure, 1908** (V of 1908), the Central Government hereby specifies the following officers in Pakistan to whom a summons may be sent for service on a defendant who is a public officer in Pakistan (not belonging to the Pakistan Military, Naval or Air Forces), namely :—

(a) where the defendant is a public officer serving in connection with the affairs of the Dominion of Pakistan or is a servant of a Railway in Pakistan, to the Secretary to the Government of Pakistan in the Ministry of the Interior.

(b) where such defendant is serving in connection with the affairs of any other Government in Pakistan or under any local authority in Pakistan, to the Home Secretary to that Government or, as the case may be, to the Home Secretary to the Government within whose territory the local authority has its jurisdiction.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 8th September 1951.

MINISTRY OF REHABILITATION

S.R.O. 1359.—New Delhi, the 9th August, 1951—In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949**, (XXIII of 1949), the Central Government hereby directs that the following amendment shall be made in the Permit System Rules 1949, namely :—

In the said Rules—

(1) To rule 9 the following note shall be added, namely :—

"*Note.*—This rule will not apply in the case of guides who come to Punjab on temporary permits for recovery of abducted persons. These guides will report their arrival and departure to, and obtain permission for visiting places other than the one specified in their temporary permit, from the Superintendant of Police, (Recovery) Punjab".

(2) For the existing explanation to rule 20 the following shall be substituted, namely :—

"*Explanation.*—In relation to guides who come to the Punjab for recovery of abducted persons, the expression "Superintendent of Police" means the "Superintendent of Police (Recovery) Punjab."

(3) The following Explanation shall be added to rule 26, namely :—

"*Explanation.*—In relation to guides who come to the Punjab for recovery of abducted persons, the expression "Superintendent of Police" means the "Superintendent of Police (Recovery) Punjab".

S.R.O. 1360.—New Delhi, the 27th August, 1951—In exercise of the powers conferred by sub-section (1) of section 55 of the **Administration of Evacuee Property Act, 1950** (No XXXI of 1950), the Central Government hereby directs that the power to make rules under clause (i) of sub-section (2) of section 56 of the said Act shall in respect of property, other than urban property, be exercisable also by the Government of Punjab for the State of Punjab.

S.R.O. 1361.—New Delhi, the 22nd August, 1951—In exercise of the powers conferred by sub-clause (ii) of clause (a) of section 2 of the **Displaced Persons (Claims) Act, 1950** (XLIV of 1950), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Rehabilitation, No. 3(14)Genl/50-II, dated the 27th May, 1950, namely :—

In the said notification for item 3, the following item shall be substituted, namely :—

"3. Any agricultural land in any part of West Pakistan other than the Province of West Punjab except where the claimant has been allotted agricultural land under the quasi permanent allotment scheme in Punjab or Patiala and East Punjab States Union".

S.R.O. 1362.—New Delhi, the 31st August, 1951—In exercise of the powers conferred by sub-section (2) of section 25 of the **Administration of Evacuee Property Act, 1950** (XXXI of 1950) the Central Government hereby nominates Shri Dwijendra Nath Roy, District Judge, Ajmer, to hear appeals under sub-section (1) of the said section within the State of Ajmer.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 15th September 1951.

MINISTRY OF HOME AFFAIRS

S.R.O. 1378—New Delhi, the 5th September 1951—In exercise of the powers conferred by sub-section (2) of Section 1 of the **Scheduled Areas (Assimilation of Laws) Act, 1951** (XXXVII of 1951), the Central Government hereby appoints the 1st day of October 1951, as the date on which the said Act shall come into force.

Published in the *Gazette of India*, Pt. II-Sec. 3, dated 22nd September 1951.

MINISTRY OF FINANCE

S. R. O. 1431.—New Delhi, the 18th September, 1951.—In exercise of the powers conferred by sub section (3) of Section 1 of the **Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949** (XLVI of 1949), the Central Government hereby appoints the 1st day of October 1951, as the date on which the said Act shall come into force in the State of Punjab.

MINISTRY OF FINANCE (REVENUE DIVISION)

S. R. O. 1434—New Delhi the 15th September, 1951—In exercise of the powers conferred by sub-section (1) of section 37 of the **Central Excises and Salt Act, 1944** (1 of 1944), the Central Government hereby directs that the following further amendment shall be made in the Central Excise Rules, 1944, namely :—

In sub-rule (2) of rule 9 of the said Rules, for the words, "If any excisable goods are removed or deposited in contravention of sub-rule (1), from any place specified therein," the words "If any excisable goods are, in contravention of sub-rule (1) deposited in, or removed from, any place specified therein," shall be substituted.

MINISTRY OF REHABILITATION

S. R. O. 1456.—New Delhi, the 28th August, 1951—In exercise of the powers conferred by section 4 of the **Influx from Pakistan (Control) Act, 1949** (XXIII of 1949), the Central Government hereby directs that the following further amendments shall be made in the Permit System Rules, 1949, namely :—

I. After the proviso to rule 5 of the said Rules, the following proviso shall be added at the end, namely :—

"Provided further that in the District of Amritsar, the powers conferred by clauses (iii) and (iv) may be exercised by the Personal Assistant to the Deputy Commissioner if he is a member of the Punjab Civil Service with the rank of a first class Magistrate."

II. Rule 26 of the said Rules shall be re-numbered as sub-rule 26(1) and after sub-rule (1) as so re-numbered, the following sub rule shall be added, namely :—

"(2) Where a temporary permit holder obtains permission from the Superintendent of Police concerned, for visiting another place, but does not avail of the permission, he shall get his permit endorsed accordingly by the Superintendent of Police, who granted the permission, before returning to Pakistan."

MINISTRY OF TRANSPORT

S. R. O. 1461.—New Delhi, the 15th September, 1951—In pursuance of sub-section (3) of section 1 of the **Marking of Heavy Packages Act, 1951** (XXXIX of 1951), the Central Government hereby appoints the 1st day of November 1951 as the date on which the said Act shall come into force.

Published in the *Gazette of India*, Pt. II-Sec 3, dated the 29th September 1951.

MINISTRY OF FINANCE (REVENUE DIVISION)

S. R. O 1490.—New Delhi, the 19th September, 1951—In exercise of the powers conferred by section 60A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government hereby directs that the following further amendment shall be made in the Part B States (Taxation Concessions) Order, 1950, published with the notification of the Government of India in the Ministry of Finance (Revenue and Expenditure Department) No. S. R. O 998, dated the 2nd December 1950, namely :—

The proviso to clause (i) of paragraph 15 of the said Order shall be omitted and shall be deemed to have always been so omitted.

S. R. O. 1491 —New Delhi, the 19th September 1951—In exercise of the powers conferred by section 60A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government hereby directs that the following further amendment shall be made in the Merged States (Taxation Concessions) Order, 1949 published with the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 22(40)-I. T/49, dated the 3rd December 1949, namely.—

The proviso to clause (ii) of paragraph 13 of the said Order shall be omitted and it shall be deemed to have always been so omitted.

S. R. O. 1492 —New Delhi, the 20th September 1951—In exercise of the powers conferred by section 60A of the **Indian Income-tax Act, 1922** (XI of 1922), the Central Government hereby directs that the following amendment shall be made in the Merged States (Taxation Concession) Order, 1949, namely :—

After clause (iii) of paragraph 13 of the said order, the following clause shall be added, namely :—

"(iv) the profits of any Co-operative Society registered under any Act in force in a Merged State, or dividends or other payments received by members of any such society out of such profits

For this purpose, the profit of Co-operative Society shall not be deemed to include any income, profits or gains from—

(1) investments in (a) securities of the nature referred to in section 8 of the Indian Income-tax Act, or (b) property of the nature referred to in section 9 of that Act,

(2) dividends, or

(3) the other sources referred to in section 12 of the Indian Income-tax Act,"

Published in the *Gazette of India*, Pt II-Sec 3, dated the 27th October 1951

MINISTRY OF FINANCE

S. R. O 1639—New Delhi, the 23rd October 1951—In exercise of the powers conferred by sub-section (2) of section 1 of the **Reserve Bank of India (Amendment) Act, 1951** (XXXII of 1951), the Central Government hereby appoints the 1st day of November, 1951, as the date on which the said Act shall come into force

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Published in the *Gazette of India*, Pt II-Sec 3, dated the 10th November 1951.

MINISTRY OF HOME AFFAIRS

S. R. O 1709 —New Delhi, the 29th October 1951—In exercise of the powers conferred by sub-section (2) of section 1 of the **Press (Objectionable Matter) Act, 1951** (LVI of 1951), the Central Government hereby appoints the 1st February 1952 to be the date on which the said Act shall come into force.

MINISTRY OF REHABILITATION

S. R. O 1722 New Delhi the 20th October 1951—In exercise of the powers conferred by sub-section (1) of section 55 of the **Administration of Evacuee Property Act, 1950** (XXXI of 1950), the Central Government hereby directs that the power to make rules under clause (i) of sub-section (2) of section 56 of the said Act shall, in respect of property, other than urban property, situated in the State of Patiala and East Punjab States Union be exercisable also by the Government of that State.

S. R. O 1723 New Delhi the 20th October 1951—In exercise of the powers conferred by section 56 of the **Administration of Evacuee Property Act, 1950** (XXXI of 1950), the Central Government hereby directs that the following amendment shall be made in the Administration of Evacuee Property (Central) Rules, 1950, namely :—

In rule 14 of the said Rules, after sub-rule (5) the following sub-rule shall be inserted, namely :—

(6) Where any State Government has, in exercise of the powers delegated to it, made any rules under clause (i) of sub-section (2) of section 56 of the Act which are inconsistent with this rule, such rules shall prevail over this rule.

PART III

INDIAN PARLIAMENT ACTS

The Allianz Und Stuttgarter Life Insurance Bank (Transfer) Act, 1950.

The following Act of Parliament received the assent of the President on the 1st December, 1950, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 2nd December 1950.

Act No LXII of 1950.

An Act to provide for the transfer of the business of the Allianz Und Stuttgarter Life Insurance Bank, Limited, to the United India Life Assurance Company, Limited, and for matters connected therewith.

[*1st December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Allianz Und Stuttgarter Life Insurance Bank (Transfer) Act, 1950

(2) It shall be deemed to have come into force on the 1st day of September, 1950.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "the Act" means the Insurance Act, 1938 (IV of 1938) ;

(b) "transferee company" means the United India Life Assurance Company, Limited, having its registered office in Madras :

(c) "transferor company" means the Allianz Und Stuttgarter Life Insurance Bank, Limited.

3. *Transfer of assets and liabilities of the transferor company to the transferee company.*—All the assets and liabilities of the transferor company which relate to or arise out of the life insurance business of the transferor company carried on immediately before the commencement of this Act by Messrs A F Ferguson & Company, Chartered Accountants of Bombay, under the Defence of India Rules shall, by virtue of this Act, stand transferred to and vest in the transferee company, subject to the provisions of this Act and to the terms and conditions specified in the First Schedule.

4. *Effect of transfer of assets and liabilities to transferee company.*—(1) Every contract of life insurance, entered into between the transferor company and the holder of any life policy before the commencement of this Act, shall have effect as from such commencement as if the transferee company had been a party to the contract instead of the transferor company, and for any reference (however worded and whether express or implied) to the transferor company there were substituted as respects anything falling to be done on or after such commencement, a reference to the transferee company, and with such other modifications as may be necessary to transfer rights, liabilities and obligations under the contract so far as unperformed, from the transferor company to the transferee company :

Provided that no provision in any such contract for payment of any bonus, profit, interest or dividend on any life policy shall have effect against the transferee company except on the basis of an actuarial valuation of the business of the transferor company made after the commencement of this Act and to the extent, if any, that may be recommended by the actuary.

(2) For the removal of doubts it is hereby declared that notwith-

standing any decision or rule of law to the contrary, no contract of life insurance as is referred to in sub-section (1) shall be deemed to have been dissolved merely by reason of the declaration that war had broken out between the Government of the United Kingdom and Germany.

5. *Cessation of payment of commission to past insurance agents.*—(1) Notwithstanding anything to the contrary contained in the Act or in any other law for the time being in force or in any contract, all contracts of agency entered into before the 31st day of July, 1942, between an insurance agent, a special agent or a chief agent (by whatever name called) and the transferor company, and any appointment made before the said date whereby remuneration is payable to any person in the form of commission or bonus, shall be deemed to have been terminated with effect from the said date and no commission or bonus due to such agent or person, whether on renewal premiums or otherwise, shall be payable to him in respect of any life policies procured by or through him before the said date.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force, no compensation shall be payable to any person for the termination, in pursuance of this section, of any contract of agency or other appointment.

6. *Provision for facilitating transfer.*—The Central Government may, by order notified in the Official Gazette, make such incidental, supplementary or consequential provisions as, in its opinion, are necessary to secure that the transfer of the assets and liabilities of the transferor company to the transferee company are fully and effectively carried out, and in particular and, without prejudice to the generality of such power, provision may be made by order notified in the Official Gazette—

(a) for adapting the terms of contracts entered into between the transferor company and any other person before the commencement of this Act, so as to conform to the changes consequent on the passing of this Act in the circumstances in which the contracts will fall to be performed after such commencement;

(b) for requiring any person concerned with the keeping of the register of the holders of any securities or investments now transferred to the transferee company, to forthwith register the transferee company therein and to issue to the transferee company the appropriate documents of title relating to the securities or investments transferred to it;

(c) for the continuation by or against the transferee company of any legal proceedings pending by or against the transferor company.

7. *Power to give directions.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Controller of Insurance may, with the approval of the Central Government, give such directions to the transferee company as he may consider necessary and the transferee company shall be bound to comply with such directions.

(2) If the transferee company fails to comply with any direction given to it under sub-section (1) it shall be deemed to have committed an offence punishable under section 102 of the Act.

8. *Repeals.*—(1) The Allianz Und Stuttgarter Life Insurance Bank (Transfer) Ordinance, 1950 (XXIV of 1950) is hereby repealed.

(2) The notifications specified in the Second Schedule shall cease to have effect on the commencement of this Act, except as respects things done or omitted to be done before such commencement.

THE FIRST SCHEDULE

(*See* section 3)

Terms and conditions relating to the transfer of the business of the transferor company.

1. The transferee company shall maintain a separate account in which shall be shown the business of the transferor company which has been transferred to it and a separate valuation thereof shall be made from time to time with a view to ascertaining whether profits appertaining to such business and divisible among holders of life policies exist.

2. The transferee company shall be bound to pay in full all claims arising out of any life policy issued by the transferor company and remaining to be paid at the commencement of this Act or falling to be paid at any time after such commencement.

3 Notwithstanding anything contained in Notification No. 168-1(23)-W/41 of the Government of India in the Commerce Department, dated the 27th day of June, 1942, the transferee company shall be liable to make good in respect of every policy of life insurance which had fallen due for payment before the commencement of this Act the difference between the amounts actually paid to the holder thereof by or on behalf of the transferor company in pursuance of the said notification and the full amount which would have been payable if that notification had not been issued.

4. If the transferee company recovers or receives any money from outside India which relate to the assets now transferred to the transferee company the same shall be applied by the transferee company for the benefit of the life policies of the transferor company issued in India.

THE SECOND SCHEDULE

(*See* section 8)

Repeals

Notification No and date	Contents of Notification
1. No. 288 OR/39, dated the 14th December, 1939, of the Government of India, Defence Co-ordination Department.	Authorising Messrs A. F. Ferguson and Company, Chartered Accountants of Bombay, to carry on the business of the transferor company under rule 113A of the Defence of India Rules, since continued in force by the Trading with the Enemy Continuance of Emergency Provisions) Act, 1947 (XVI of 1947).
2. No. 168-1(2)-W/39, dated the 22nd February, 1941, of the Government of India, Department of Commerce.	Granting exemptions to Messrs A. F. Ferguson and Company from the operation of certain provisions of the Act.
3. No. 168-1(23)-W/41, dated the 27th June, 1942, of the Government of India, Department of Commerce.	Exempting Messrs. A. F. Ferguson and Company from the obligation imposed by any contract of insurance in respect of so much thereof as is in excess of 80 per cent. of the liability arising therefrom.

The Ajmer Tenancy and Land Records (Amendment) Act, 1950.

The following Act of Parliament received the assent of the President on the 1st December, 1950, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 2nd December, 1950.

Act No. LXIII of 1950

An Act to amend the Ajmer Tenancy and Land Records Act, 1950.

[*1st December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Ajmer Tenancy and Land Records (Amendment) Act, 1950.

2. *Amendment of section 203, Act XLII of 1950.*—In sub-section (2) of section 203 of the Ajmer Tenancy and Land Records Act, 1950 (hereinafter referred to as the said Act), after clause (r), the following clause shall be inserted, namely :—

"(s) for the levy of a fee in respect of any application or the grant of any relief under this Act in cases not specifically provided for."

3. *Amendment of section 204, Act XLII of 1950.*—In sub-section (1) of section 204 of the said Act, for the words "three months" the words "nine months" shall be substituted.

4. *Repeal and saving.*—(1) The Ajmer Tenancy and Land Records (Amendment) Ordinance, 1950 (XXII of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

(3) References in this Act to any of the provisions of the principal Act shall be construed as references to those provisions as in force immediately before the commencement of the said Ordinance.

The Road Transport Corporations Act, 1950.

The following Act of Parliament received the assent of the President on the 4th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 5th December, 1950.

Act No LXIV of 1950.

An Act to provide for the incorporation and regulation of Road Transport Corporations.

[*4th December, 1950*]

BE it enacted by Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Road Transport Corporations Act, 1950

(2) It extends to the whole of India except the States of Delhi and Jammu and Kashmir.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State and different dates may be appointed for different States.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) "ancillary service" means any subsidiary service which provides

amenities or facilities to persons making use of any road transport service of a corporation ;

(b) "Corporation" means a Road Transport Corporation established under section 3 ;

(c) "extended area" means any area or route to which the operation of any road transport service of a corporation has been extended in the manner provided in section 20 ;

(d) "prescribed" means prescribed by rules made under this Act ;

(e) "road transport service" means a service carrying passengers or goods or both by road in vehicles for hire or reward ;

(f) "vehicle" means any mechanically propelled vehicle, used or capable of being used for the purpose of road transport, and includes a tramcar, a trolley-vehicle and a trailer ;

(g) words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939 (IV of 1939), have the meanings assigned to them in that Act ;

(h) any reference to an enactment not in force in a Part B State shall, in relation to that State be construed as a reference to the corresponding law, if any, in force in that State.

CHAPTER II.

ROAD TRANSPORT CORPORATIONS.

3. *Establishment of Road Transport Corporations in the States.*—The State Government, having regard to—

(a) the advantages offered to the public, trade and industry by the development of road transport ;

(b) the desirability of co-ordinating any form of road transport with any other form of transport ;

(c) the desirability of extending and improving the facilities for road transport in any area and of providing an efficient and economical system of road transport service therein ;

may, by notification in the Official Gazette, establish a Road Transport Corporation for the whole or any part of the State under such name as may be specified in the notification.

4. *Incorporation.*—Every corporation shall be a body corporate by the name notified under section 3 having perpetual succession and a common seal, and shall by the said name sue and be sued.

5 *Constitution of Road Transport Corporations.*—(1) Subject to rules made under this Act, a corporation shall consist of a Chairman and such number of other members as the State Government may think fit to appoint.

(2) The State Government may, if it so thinks fit, appoint one of the other members as the Vice-Chairman of the Corporation.

(3) Rules made under this Act shall provide for the representation both of the Central Government and of the State Government concerned in the Corporation in such proportion as may be agreed to by both the Governments and of nomination by each Government of its own representatives therein, and where the capital of a Corporation is raised by the issue of shares to other parties under sub-section (3) of section 23, provision shall also be made for the representation of such shareholders in the Corporation and the manner in which the representatives shall be elected by such shareholders.

(4) The term of office of, and the manner of filling casual vacancies among, members of the Corporation shall be such as may be prescribed.

6. *Disqualifications for being chosen as, or for being, a member of a Corporation.*—A person shall be disqualified for being chosen as, or for being, a member of a Corporation—

(a) if he is found to be a lunatic or a person of unsound mind ; or

(b) if he has been adjudged insolvent ; or

(c) if he has been convicted of an offence involving moral turpitude ; or

(d) if he has, directly or indirectly, any interest in any subsisting contract made with, or in any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company, provided that where he is a shareholder he shall disclose to the State Government the nature and extent of shares held by him in such company ; or

(e) if he has any financial interest in any other road transport undertaking.

7. *Resignation of office by the Chairman or a member.*—The Chairman or any other member of a Corporation may resign his office by giving notice in writing to the State Government and, on such resignation being accepted by that Government, shall be deemed to have vacated his office.

8. *Removal of Chairman and members from office.*—The State Government may remove from office the Chairman or any other member of the Corporation who—

(a) is or becomes subject to any of the disqualifications mentioned in section 6 ; or

(b) without excuse sufficient in the opinion of the State Government, is absent from more than four consecutive meetings of the Corporation :

Provided that no member nominated by the Central Government shall be removed from office without the concurrence of that Government.

9. *Vacancies amongst members or defect in the constitution not to invalidate acts or proceedings of a Corporation.*—No act or proceeding of a Corporation shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

10. *Temporary association of persons with a Corporation for particular purposes.*—(1) A Corporation may associate with itself for any particular purpose in such manner as may be determined by regulations made under this Act any person whose assistance or advice it may desire.

(2) A person associated with it by the Corporation under sub-section (1) for any purpose shall have a right to take part in the discussions of the Corporation relevant to that purpose, but shall not have a right to vote at a meeting of the Corporation.

11. *Meetings of Corporations.*—(1) A Corporation shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act :

Provided that the Corporation shall meet at least once in every three months.

(2) The person to preside at a meeting of a Corporation shall be the Chairman thereof, or in his absence from any meeting, the Vice-Chairman, if any, or in the absence of both the Chairman and the Vice-Chairman, such member as may be chosen by the members present from among themselves to preside.

(3) All questions at a meeting of a Corporation shall be decided by a

majority of votes of the members present, and in the case of equality of votes, the Chairman or, in his absence, any other person presiding shall have a second or casting vote.

12. *Power to appoint committees and delegate functions.*—A Corporation may, from time to time, by resolution passed at a meeting—

(a) appoint committees of its members for performing such functions as may be specified in the resolution;

(b) delegate to any such committee or to the Chairman or Vice-Chairman, subject to such conditions and limitations, if any, as may be specified in the resolution, such of its powers and duties as it may think fit;

(c) authorise the Chief Executive Officer or General Manager, subject to such conditions and limitations, if any, as may be specified in the resolution to exercise such powers and perform such duties as it may deem necessary for the efficient day to day administration of its business.

13. *Authentication of orders and other instruments of a Corporation* — All orders and decisions of a Corporation shall be authenticated by the signature of the Chairman or any other member authorised by the Corporation in this behalf, and all other instruments issued by a Corporation shall be authenticated by the signature of the Chief Executive Officer or General Manager or any other officer of the Corporation authorised in like manner in this behalf.

14. *Officers and servants of the Corporation.*—(1) Every Corporation shall have a Chief Executive Officer or General Manager and a Chief Accounts Officer appointed by the State Government.

(2) A Corporation may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

(3) The conditions of appointment and service and the scales of pay of the officers and servants of a Corporation shall—

(a) as respects the Chief Executive Officer or General Manager and the Chief Accounts Officer be such as may be prescribed; and

(b) as respects the other officers and servants be such as may, subject to the provisions of section 34, be determined by regulations made under this Act.

15. *The Chief Executive Officer or General Manager and the Chief Accounts Officer.*—(1) The Chief Executive Officer or General Manager shall be the executive head of the Corporation and all other officers and servants of the Corporation shall be subordinate to him.

(2) The Chief Accounts Officer shall have the right to record his views on every proposal involving expenditure from the fund of the Corporation prior to the consideration of such proposal by the Corporation.

16. *General disqualification of all officers and servants.*—No person who has directly or indirectly, by himself or his partner or agent, any share or interest in any contract, by or on behalf of a Corporation, or in any other road transport undertaking shall become or remain an officer or servant of the Corporation.

17. *Appointment of Advisory Council.*—The State Government may, after ascertaining the views of the Corporation, by notification in the Official Gazette, constitute one or more Advisory Councils consisting of such number of persons, on such terms, and for the purpose of advising the Corporation on such matters, as may be specified in that notification.

CHAPTER III

POWERS AND DUTIES OF CORPORATION

18. *General duty of Corporation.*—It shall be the general duty of a Corporation so to exercise its powers as progressively to provide, or secure or promote the provision of, an efficient, adequate, economical and properly co-ordinated system of road transport services in the State or part of the State for which it is established and in any extended area :

Provided that nothing in this section shall be construed as imposing on a Corporation, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which it would not otherwise be subject.

19. *Powers of Corporation.*—(1) Subject to the provisions of this Act, a Corporation shall have power—

(a) to operate road transport services in the State and in any extended area ;

(b) to provide for any ancillary service ;

(c) to provide for its employees suitable conditions of service including fair wages, establishment of provident fund, living accommodation, places for rest and recreation and other amenities.

(2) Subject to the provisions of this Act, the powers conferred by sub-section (1) shall include power—

(a) to manufacture, purchase, maintain and repair rolling stock, vehicles, appliances, plant, equipment or any other thing required for the purpose of any of the activities of the Corporation referred to in sub-section (1).

Explanation.—In this clause, the expression "manufacture" does not include the construction of the complete unit of a motor vehicle except for purposes of experiment or research ;

(b) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the purpose of any of the said activities, and to lease, sell or otherwise transfer any property held by it ;

(c) to prepare schemes for the acquisition of, and to acquire, either by agreement or compulsorily in accordance with the law of acquisition for the time being in force in the State concerned and with such procedure as may be prescribed, whether absolutely or for any period, the whole or any part of any undertaking of any other person to the extent to which the activities thereof consist of the operation of road transport services in that State or in any extended area ;

(d) to purchase by agreement or to take on lease or under any form of tenancy any land and to erect thereon such buildings as may be necessary for the purpose of carrying on its undertaking ;

(e) to authorise the disposal of scrap vehicles, old tyres, used oils, or any other stores of scrap value ;

(f) to enter into and perform all such contracts as may be necessary for the performance of its duties and the exercise of its powers under the Act ;

(g) to purchase vehicles of such type as may be suitable for use in the road transport services operated by the Corporation ;

(h) to purchase or otherwise secure by agreement vehicles, garages, sheds, office buildings, depots, land, workshops, equipment, tools, accessories to and spare parts for vehicles, or any other article owned or possessed by the owner of any other undertaking for use thereof by the Corporation for purposes of its undertaking ;

(i) to do anything for the purpose of advancing the skill of persons employed by the Corporation or the efficiency of the equipment of the Corporation or of the manner in which that equipment is operated, including the provision by the Corporation, and the assistance by the Corporation to others for the provision of facilities for training, education and research;

(j) to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods providing for the carriage of passengers or goods on behalf of the Corporation by that other person at a through fare or freight;

(k) to provide facilities for the consignment, storage and delivery of goods;

(l) to enter into contracts for exhibition of posters and advertising boards on and in the vehicles and premises of the Corporation and also for advertisement on tickets and other forms issued by the Corporation to the public;

(m) with the prior approval of the State Government to do all other things to facilitate the proper carrying on of the business of the Corporation.

(3) Nothing in this section shall be construed as authorising a Corporation, except with the previous approval of the State Government—

(i) to manufacture or maintain anything which is not required directly or indirectly for use for the purpose of the undertaking of the Corporation or to repair, store, or provide any service for, any vehicle which does not belong to the Corporation or is not used directly or indirectly for the purpose of its undertaking;

(ii) to purchase any vehicle for the purpose of sale to another person;

(iii) to sell or supply to any person lubricants, spare parts, equipment or accessories to, vehicles;

(iv) to let vehicles on hire for the carriage of passengers or goods except as expressly provided by or under this Act.

(4) Except as otherwise provided by this Act nothing in the foregoing provisions shall be construed as authorising the Corporation to disregard any law for the time being in force.

(5) Where a Corporation acquires the whole or any part of an undertaking of any other person, the Corporation shall, in appointing its officers and servants, take into consideration the claims of employees employed in that undertaking.

(6) The provisions of this section shall not be construed as limiting any power of a Corporation conferred by or under any subsequent provision of this Act.

20. *Extension of the operation of the road transport service of a Corporation to areas within another State*—(1) If a Corporation considers it to be expedient in the public interest to extend the operation of any of its road transport services to any route or area situated within another State, it may, with the permission of the State Government, negotiate with the Government of the other State regarding the proposed extension.

(2) If the Government of the other State approves the proposed extension, the Corporation shall prepare a scheme for the purpose and forward the same to the other Government for its consent, and after such consent has been received, the Corporation may, with the previous approval of the State Government, sanction the scheme.

(3) After the scheme has been so sanctioned, it shall be competent for the Corporation to extend the operation of its road transport service to

such route or area and when the operation of such service is so extended, the Corporation shall operate the service on that route or in that area subject to the provisions of any law in force in the other State within which such route or area is situated.

(4) The Corporation may, from time to time, alter or extend the scheme sanctioned under sub-section (2) by a supplementary scheme prepared and sanctioned in the manner provided in the foregoing provisions of this section

21. *Carriage of mails.*—Notwithstanding anything contained in the Motor Vehicles Act, 1939 (IV of 1939), a Corporation shall, if so required by the Central Government, carry mails at such rates and on such terms and conditions as may be specified in this behalf by the Central Government in consultation with the State Government.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

22. *General principle of Corporation's finance.*—It shall be the general principle of a Corporation that in carrying on its undertaking it shall act on business principles.

23. *Capital of the Corporation.*—(1) The Central Government and the State Government may provide to a Corporation established by the State Government, in such proportion as may be agreed to by both the Governments, any capital that may be required by the Corporation for the purpose of carrying on the undertaking or for purposes connected therewith on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government may, with the previous approval of the Central Government, determine.

(2) Where the capital of a Corporation is not provided under sub-section (1), the Corporation may raise, by the issue of shares, such capital as may be authorised in this behalf by the State Government.

(3) The authorised capital of the Corporation shall be divided into such number of shares as the State Government may determine; and the number of shares which shall be subscribed by the State Government, the Central Government and other parties (including persons whose undertakings have been acquired by the Corporation) shall also be determined by the State Government in consultation with the Central Government.

(4) The allotment of shares to other parties mentioned in sub-section (3) shall be made by the Corporation in such manner as may be prescribed.

(5) The shares of the Corporation shall not be transferable except in accordance with the rules made under this Act.

(6) The Corporation may at any time, with the previous approval of the State Government, redeem the shares issued to the other parties under sub-section (4) in such manner as may be prescribed.

24. *Additional capital of the Corporation.*—If, after the issue of shares under section 23 a Corporation requires any further capital, the Corporation may, with the previous sanction of the State Government, raise such additional capital by the issue of new shares and the provisions of sub-sections (2), (3), (4), (5) and (6) of the said section shall apply to the issue of such shares.

25. *Guarantee by the State Government.*—The shares of a Corporation shall be guaranteed by the State Government as to the payment of the principal and the payment of the annual dividend at such minimum rate as may be fixed by the State Government by notification published in the Official Gazette at the time of issuing the shares.

26. *Borrowing powers.*—A Corporation may, with the previous approval of the State Government, borrow money in the open market or otherwise for the purpose of raising its working capital.

27. *Fund of the Corporation.*—(1) Every Corporation shall have its own fund and all receipts of the Corporation shall be carried thereto and all payments by the Corporation shall be made therefrom.

(2) Except as otherwise directed by the State Government, all moneys belonging to that fund shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India, or invested in such securities as may be approved by the State Government.

28. *Payment of interest and dividend.*—(1) Where the capital of a Corporation is provided by the Central Government and the State Government under sub-section (1) of section 23, the Corporation shall pay interest on such capital at such rate as may, from time to time, be fixed by the State Government in consultation with the Central Government and such interest shall be deemed to be a part of the expenditure of the Corporation.

(2) Where the Corporation raises its capital by issue of shares, it shall pay divided on such shares at such rate as may, from time to time, be fixed by the Corporation, subject to any general limitations which may have been imposed by the State Government in consultation with the Central Government, and such dividend shall be deemed to be a part of the expenditure of the Corporation.

29. *Provision for depreciation and reserve and other funds.*—(1) A Corporation shall make such provisions for depreciation and for reserve and other funds as the State Government may, from time to time direct.

(2) The management of the said funds, the sums to be carried from time to time to the credit thereof and the application of the moneys comprised therein shall be determined by the Corporation :

Provided that no fund shall be utilised for any purpose other than that for which it was created without the previous approval of the State Government.

30 *Disposal of net profits.*—After making provision for payment of interest and dividend under section 28 and for depreciation, reserve and other funds under section 29, a Corporation may utilise such percentage of its net annual profits as may be specified in this behalf by the State Government for the provision of amenities to the passengers using the road transport services, welfare of labour employed by the Corporation and for such other purposes as may be prescribed with the previous approval of the Central Government, and the balance shall be made over to the State Government for the purpose of road development.

31 *Power of the Corporation to spend.*—A Corporation shall have power to spend such sums as it thinks fit on objects authorised under this Act and such sums shall be treated as expenditure payable out of the fund of the Corporation.

32. *Budget.*—(1) Every Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval a budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.

(2) Subject to the provisions of sub-sections (3) and (4), no sum shall be expended by or on behalf of a Corporation unless the expenditure of the same is covered by a current budget grant approved by the State Government.

(3) A Corporation may sanction any re-appropriation within the grant from one head of the expenditure to another or from a provision made for one scheme to that in respect of another, subject to the condition that the aggregate budget grant is not exceeded.

(4) A Corporation may, within such limits and subject to such conditions as may be prescribed, incur expenditure in excess of the limit provided in the budget approved by the State Government under any head of expenditure or in connection with any particular scheme.

33. *Accounts and audit.*—(1) Every Corporation shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.

(2) The accounts of a Corporation shall be audited by the auditor appointed by the State Government at such times and in such manner as may be prescribed.

(3) As soon as the accounts of a Corporation have been audited, the Corporation shall send a copy thereof together with a copy of the report of the auditor thereon to the Central Government and the State Government.

CHAPTER V

MISCELLANEOUS

34. *Directions by the State Government.*—(1) The State Government may, after consultation with a Corporation established by such Government, give to the Corporation general instructions to be followed by the Corporation, and such instructions may include directions relating to the recruitment, conditions of service and training of its employees, wages to be paid to the employees, reserves to be maintained by it and disposal of its profits or stocks.

(2) In the exercise of its powers and performance of its duties under this Act, the Corporation shall not depart from any general instructions issued under sub section (1) except with the previous permission of the State Government.

35. *Returns and reports.*—(1) Every Corporation shall furnish to the State Government such returns, statistics, accounts and other information with respect to its property or activities or in regard to any proposed scheme as the State Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1), a Corporation shall, as soon as possible after the end of each financial year, submit to the Central and the State Governments a report on the exercise and performance by it of its powers and duties under this Act during that year and on its policy and programme.

36. *Power to order inquiries.*—(1) The State Government, with a view to satisfy itself that the powers and duties of a Corporation established by that Government are being exercised and performed properly, may, at any time, appoint any person or persons to make inquiries into or any of the activities of the Corporation and to report to the State Government the result of such inquiries.

(2) The Corporation shall give to the person or persons so appointed all facilities for the proper conduct of the inquiries and shall produce before, or furnish to, the person or persons any document, account or information in the possession of the Corporation which such person or persons demand for the purposes of the inquiries.

37. *Power to control a part of the undertaking of a Corporation.*—

(1) If on receipt of the report of any inquiry held under section 36 or otherwise, the State Government is satisfied that it is necessary so to do in the public interest, the State Government may, by notification in the Official Gazette, authorise any person to take over from the Corporation, and so long as that notification is in force, to administer in accordance with such directions as may be issued from time to time by the State Government such part of the undertaking of the Corporation as may be specified in the notification, and any person so authorised may, for the purpose of so administering the said part of the undertaking, exercise all or any of the powers of the Corporation or of any officer of the Corporation under this Act, issue such directions as he thinks fit to the officers or servants of the Corporation and employ any outside agency.

(2) The State Government may by such notification direct that all charges and expenses incurred by the person so authorised together with such remuneration as the State Government may allow from time to time to such person shall be paid within such time as may be fixed by the State Government from the fund of the Corporation, and if the expenses are not so paid, the State Government may make an order directing the persons having the custody of that fund to pay to the person so authorised such expenses in priority to any other charges against such fund and he shall, so far as the funds to the credit of the Corporation admit, comply with the order of the State Government.

38. *Power to supersede a Corporation.*—(1) If the State Government is of opinion that a Corporation established by that Government is unable to perform, or has persistently made default in the performance of the duties imposed on it by or under the provisions of this Act or has exceeded or abused its powers, the State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, supersede the Corporation for such period as may be specified in the notification :

Provided that before issuing a notification under this sub-section, the State Government shall give a reasonable time to the Corporation to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation.

(2) Upon the publication of a notification under sub-section (1) superseding a Corporation—

(a) all the members of the Corporation shall, as from the date of supersession, vacate their offices as such members ;

(b) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Corporation shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may direct ;

(c) all property vested in the Corporation shall, during the period of supersession, vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government may—

(a) extend the period of supersession for such further term as it may consider necessary ; or

(b) reconstitute the Corporation in the manner provided in section 5.

39. *Liquidation of a Corporation.*—(1) No provision of any law relating to the winding up of companies or corporations shall apply to a Cor-

poration, and no Corporation shall be placed in liquidation save by order of the State Government concerned and save in such manner as may be directed by that Government :

Provided that no such order shall be made by any State Government except with the previous approval of the Central Government.

(2) In the event of a Corporation being placed in liquidation, the assets of the Corporation, after meeting the liabilities, if any, shall be divided among the Central and the State Government and such other parties, if any, as may have subscribed to the capital in proportion to the contribution made by each of them to the total capital of the Corporation.

40. *Compensation for acquisition of road transport undertakings.*—Whenever a Corporation acquires under this Act the whole or any part of any undertaking, there shall be paid by the Corporation compensation the amount of which shall be determined in the manner and in accordance with the procedure hereinafter set out, that is to say—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;

(b) where no such agreement can be reached, the amount shall be determined by an arbitral tribunal consisting of one nominee of the Corporation, one nominee of the person to be compensated, and a Chairman to be nominated by the Chief Justice of the High Court exercising jurisdiction in relation to the State concerned ;

(c) an appeal shall lie to the High Court against the decision of the tribunal and the order of the High Court on such appeal shall be final.

41. *Corporation to be deemed to be a local authority and provision as to third party risks.*—(1) A Corporation shall be deemed to be a local authority within the meaning of the Motor Vehicles Act, 1939 (IV of 1939).

(2) The State Government may, by notification in the Official Gazette, exempt the motor vehicles of a Corporation from the operation of the provisions of Chapter VIII of the Motor Vehicles Act, 1939 :

Provided that no such notification shall be issued unless a fund has been established and is maintained by the Corporation in accordance with the rules made in that behalf under this Act for meeting any liability arising out of the use of any vehicle of the Corporation which the Corporation or any person in the employment of the Corporation may incur to third parties.

42. *Power of entry.*—Whenever it is necessary for a Corporation to carry out any of its works or to make any survey, examination or investigation, preliminary or incidental to the exercise of powers or the performance of duties by the Corporation under this Act, any officer or servant of the Corporation generally or specially empowered by the Corporation may, with the previous permission of the district magistrate, enter upon any land or premises between sunrise and sunset, after giving reasonable notice of the intention to make such entry to the owner or occupier of such land or premises, and at any other time, with the consent in writing of the owner or occupier of such land or premises, for the purpose of the carrying out of such works or the making of such survey, examination or investigation.

43. *Members, officers and servants of a Corporation to be public servants.*—All members of the Corporation, and all officers and servants of a Corporation, whether appointed by the State Government or the Corporation, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or of any other law, to be public servants

within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

44. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the conditions and manner of appointment of members of a Corporation, the representation in the Corporation of the Central and the State Government, and where shares are issued to other parties under sub-section (3) of section 23, of such shareholders, and generally all matters relating to the constitution of the Corporation ;

(b) remuneration, allowances or fees to be paid to the members of the Corporation or other persons associated with the Corporation under section 10 ;

(c) the term of office of, the manner of filling casual vacancies among, members of the Corporation ;

(d) the number of members necessary to constitute a quorum at a meeting of the Corporation ;

(e) the conditions of appointment and service and the scales of pay of the Chief Executive Officer or General Manager and the Chief Accounts Officer of the Corporation ;

(f) the number and term of office of, the allowances to be paid to, the procedure to be followed by, and the manner of filling casual vacancies among, members of an Advisory Council ;

(g) the manner in which the shares of the Corporation shall be allotted, transferred or redeemed ;

(h) the manner in which the net profits of the Corporation shall be utilised ;

(i) the date by which, and the form in which, the budget shall be prepared and submitted in each year under sub-section (1) of section 32 ;

(j) the forms and the manner in which the accounts of the Corporation shall be maintained ;

(k) the time at which, and the manner in which, the accounts of the Corporation shall be audited ;

(l) the form in which the returns, statistics or reports shall be submitted under section 35 ;

(m) the procedure to be followed by an arbitral tribunal under section 40 ;

(n) any other matter which has to be, or may be, prescribed.

45. *Power to make regulations.*—(1) A Corporation may, with the previous sanction of the State Government, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(a) the manner in which, and the purposes for which, persons may be associated with the Corporation under section 10 ;

(b) the time and place of meetings of the Corporation and the procedure to be followed in regard to transaction of business at such meetings ;

(c) the conditions of appointment and service and the scales of pay of

officers and servants of the Corporation other than the Chief Executive Officer or General Manager and the Chief Accounts Officer.

46. *Penalty for breach of rules.*—The State Government may, by rule, provide that the breach of any rules made by it under section 44 shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing one, with a further fine not exceeding twenty rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

47. *Special provisions relating to Bombay.*—(1) The body known as the Bombay State Road Transport Corporation and the Board thereof referred to in the notification of the Government of Bombay, No. 1780/54, dated the 16th November, 1949 (hereinafter referred to as "the existing Corporation" and "Board" respectively) shall, notwithstanding any defect in, or invalidity of, the enactment or order under which they were constituted, be deemed for all purposes to have been validly constituted as if all the provisions of the said notification had been included and enacted in this section and this section had been in force continuously on and from the said date, and accordingly—

(a) all actions by, and all transactions with, the existing Corporation or Board, including any action or transaction by which any property, asset or right was acquired or any liability or obligation, whether by contract or otherwise, was incurred, shall be deemed to have been validly and lawfully taken or done ; and

(b) no suit, prosecution or other legal proceeding shall lie against the Government of Bombay or any member of the Board or any officer or servant of the existing Corporation in respect of any action taken by, or in relation to the setting up of, the existing Corporation or Board merely on the ground of any defect in, or invalidity of, the enactment or order under which the existing Corporation or Board was constituted.

(2) On the establishment of a Corporation under section 3 in the State of Bombay (hereinafter referred to as "the new Corporation"),—

(a) the existing Corporation and Board shall be deemed to be dissolved and shall cease to function ;

(b) all property and assets vesting in the existing Corporation shall vest in the new Corporation ;

(c) all rights, liabilities and obligations of the existing Corporation, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations, respectively, of the new Corporation ; and

(d) all licences and permits granted to, all contracts made with, and all instruments executed on behalf of, the existing Corporation or Board shall be deemed to have been granted to, made with, or executed on behalf of, the new Corporation and shall have effect accordingly.

48. *Repeal of Act XXXII of 1948.*—The Road Transport Corporations Act, 1948 (XXXII of 1948) is hereby repealed.

The Ajmer Rural Boards and Municipalities (Amendment) Act, 1950.

The following Act of Parliament received the assent of the President on the 6th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 7th December 1950.

Act No. LXV of 1950.

An Act to amend the Ajmer Rural Boards Regulation, 1886, and the Ajmer-Merwara Municipalities Regulation, 1925.

[*6th December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Ajmer Rural Boards and Municipalities (Amendment) Act, 1950.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 5, Regulation VI of 1886.*—Clause (a) of the proviso to sub-section (2) of section 5 of the Ajmere Rural Boards Regulation, 1886, shall be omitted.

3. *Amendment of section 30, Regulation VI of 1925.*—For sub-sections (2) and (3) of section 30 of the Ajmer-Merwara Municipalities Regulation, 1925 (hereinafter referred to as the said Regulation), the following sub-section shall be substituted, namely :—

"(2) Every person who would be entitled under the Representation of the People Act, 1950 (XLIII of 1950) to be registered in the electoral roll for a Parliamentary constituency if that constituency had been co-extensive with the municipality, and whose name is registered in the electoral roll for the Parliamentary constituency comprising the municipality, shall be entitled to be enrolled as an elector of the municipality."

4. *Amendment of section 43, Regulation VI of 1925.*—Clause (a) of section 43 of the said Regulation shall be omitted.

The Administration of Evacuee Property (Amendment) Act, 1950.

The following Act of Parliament received the assent of the President on the 7th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 8th December, 1950.

Act No. LXVI of 1950.

An Act to amend the Administration of Evacuee Property Act, 1950.

[*7th December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Administration of Evacuee Property (Amendment) Act, 1950.

2. *Substitution of new section for section 58, Act XXXI of 1950.*—For section 58 of the Administration of Evacuee Property Act, 1950, the following section shall be substituted and shall be deemed always to have been substituted, namely :—

"58. *Repeals and savings.*—(1) The Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), and the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F), are hereby repealed.

(2) If, immediately before the commencement of this Act, there is in force in any State to which this Act extends any law which corresponds to this Act and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

(3) The repeal by this Act of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), or the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F) or of any corresponding law shall not affect the previous operation of that Ordinance, Regulation or corresponding law, and subject thereto, anything done or any action taken in the exercise of any power conferred by or under that Ordinance, Regulation or corresponding law, shall be deemed to have been done or taken in the exercise of the powers conferred by or

under this Act as if this Act were in force on the day on which such thing was done or action was taken".

3. *Repeal of Ordinance XXVI of 1950.*—The Administration of Evacuee Property (Amendment) Ordinance, 1950 (XXVII of 1950), is hereby repealed.

The Cooch-Behar (Assimilation of Laws) Act, 1950.

The following Act of Parliament received the assent of the President on the 7th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 8th December, 1950.

Act No. LXVII of 1950.

An Act to assimilate certain laws in force in Cooch-Behar to the laws in force in the rest of West Bengal.

[7th December, 1950]

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Cooch-Behar (Assimilation of Laws) Act, 1950.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Interpretation.*—In this Act,—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act ;

(b) "Cooch-Behar" means the merged territory of Cooch-Behar in the State of West Bengal ;

(c) "law" means so much of any Act, Ordinance, Regulation, rule order or bye-law as relates to any of the matters enumerated in Lists I and III in the Seventh Schedule to the Constitution.

3. *Assimilation of laws.*—(1) Save as provided in sub-section (2), all laws which immediately before the appointed day extend to, or are in force in, the State of West Bengal, but do not extend to, or are not in force in, Cooch-Behar shall, as from that day, extend to, or as the case may be, come into force in, Cooch-Behar ; and all laws which, immediately before the appointed day, are in force in Cooch-Behar, but not in the rest of West Bengal, shall on that day cease to be in force in Cooch-Behar, except as respects things done or omitted to be done before that day.

(2) Notwithstanding anything contained in sub-section (1), the Muslim Personal Law (*Shariat*) Application Act, 1937 (XXVI of 1937), shall come into force in Cooch-Behar only on such date as the State Government may, by notification in the Official Gazette, appoint ; and Cooch-Behar Act II of 1897, known as the Muhammadan Inheritance Act, 1897, shall continue in force in Cooch-Behar until that date, and shall on that date cease to be in force except as respects things done or omitted to be done before that date.

4. *Provision for removal of difficulties.*—If any difficulty arises in relation to the transition under section 3 from one law or group of laws to another law or group of laws, the Central Government may, by order notified in the Official Gazette, make such provision as it considers necessary for the removal of such difficulty.

The Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950.

The following Act of Parliament received the assent of the President on the 8th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 9th December 1950.

Act No. LXVIII of 1950.

An Act to amend the Displaced Persons (Institution of Suits) Act, 1948, and the Displaced Persons (Legal Proceedings) Act, 1949.

[*8th December, 1950*]

BE IT enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950.

2. *Amendment of section 1, Act XLVII of 1948.*—In sub-section (2) of section 1 of the Displaced Persons (Institution of Suits) Act, 1948 (hereinafter referred to as the said Act), for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

3. *Amendment of section 2, Act XLVII of 1948.*—In section 2 of the said Act, for the words "for a period of three years only" the words, figures and letters "only up to the 31st day of March, 1952" shall be substituted.

4. *Substitution of new section for section 8 in Act XLVII of 1948.*—For section 8 of the said Act, the following section shall be substituted, namely :—

"8. *Extension of period of limitation.*—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), or in any special or local law, any suit or other legal proceeding by a displaced person—

(a) where such suit or other legal proceeding is instituted in pursuance of section 4 and the period of limitation expires or has expired on or after the 14th day of August, 1947, or

(b) where such suit or other legal proceeding is instituted otherwise than in pursuance of section 4 in respect of a cause of action which arises or has arisen in a place now situate within the territories of Pakistan and the period of limitation expires after the commencement of the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950,

may be instituted at any time before the date of expiry of this Act."

5. *Amendment of section 1, Act XXV of 1949.*—In sub-section (2) of section 1 of the Displaced Persons (Legal Proceedings) Act, 1949, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

6. *Amendment of section 8, Act XXV of 1949.*—Section 8 of the Displaced Persons (Legal Proceedings) Act, 1949, shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) In particular and without prejudice to the generality of the foregoing provision, the expiry of this Act shall not affect the power of a court to grant any relief specified in section 4 in any suit or other legal proceeding, in respect of which the period of limitation has been extended under section 8 of the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), and such relief may be granted as if this Act had not expired."

7. *Repeal and savings.*—(1) If immediately before the commencement of this Act, there is in force in any of the Part B States any law

corresponding to the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), or the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949), such corresponding law is hereby repealed

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Displaced Persons (Institution of Suits) Act, 1948, or the Displaced Persons (Legal Proceedings) Act, 1949, as the case may be, as if those Acts were in force in the State on the day on which such thing was done or action was taken.

The Indian Tariff (Fourth Amendment) Act, 1950.

The following Act of Parliament received the assent of the President on the 20th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Sec. 1, dated the 21st December 1950.

Act No. LXIX of 1950.

An Act further to amend the Indian Tariff Act, 1934.

[*20th December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Tariff (Fourth Amendment) Act, 1950.

2. *Insertion of new section 4A in Act XXXII of 1934.*—After section 4 of the Indian Tariff Act, 1934 (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

"4A. *Emergency power of Central Government to increase or levy export duties.*—(1) Where, in respect of any article, whether included in the Second Schedule or not, the Central Government is satisfied that the export duty leviable thereon should be increased or that an export duty should be levied, and that circumstances exist which render it necessary to take immediate action, the Central Government may, by notification, in the Official Gazette, direct a temporary amendment of the Second Schedule to be made so as to provide for an increase in the export duty leviable, or, as the case may be, the levy of an export duty, on that article.

(2) Every such notification shall be laid before Parliament, if it is in session, as soon as may be after the issue of the notification, and if it is not in session, within seven days of its reassembly, and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it; and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(3) Subject to the provisions of sub-section (2) of this section and section 21 of the General Clauses Act, 1897 (X of 1897), every such notification shall have effect on and from the date thereof, but shall cease to have effect on the 1st day of March, 1952."

3. *Amendment of the Second Schedule, Act XXXII of 1934.*—In the Second Schedule to the said Act,—

(a) in Item No. 2,—

(i) in the last column of sub-item (i), for the entry "Rs. 50", the entry "Rs. 150" shall be substituted;

(ii) in the last column of sub-item (ii), for the entry "Rs. 350", the entry "Rs. 1,500" shall be substituted;

(b) in the last column of Item No. 3, for the entry "Rs. 100", the entry "Rs. 400" shall be substituted;

(c) after Item No 3, the following Item shall be inserted, namely :—

"3(1)	Cotton waste (all sorts)	...	50 per cent. *ad valorem*";

(d) the following item shall be inserted at the end, namely :—

"12	Raw wool	...	30 per cent. *ad valorem*".

4. *Export duty not leviable on raw wool in certain cases.*—Notwithstanding anything contained in the said Act, as amended by this Act, no export duty shall be leviable on raw wool which is exported from India

within a period of thirty days from the 8th day of November, 1950 under and in accordance with the conditions of a licence issued before the said date by competent authority.

5. *Repeals and savings* —(1) The Indian Tariff (Amendment) Ordinance, 1950 (XXX of 1950), and the Indian Tariff (Second Amendment) Ordinance, 1950 (XXXII of 1950), are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under any of the Ordinances aforesaid shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

(3) References in this Act to the Second Schedule to the said Act shall be construed as references to that Schedule as in force immediately before the 21st day of October, 1950.

The Supply and Prices of Goods Act, 1950

The following Act of Parliament received the assent of the President on the 23rd December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Sec. 1, dated the 23rd December 1950.

Act No. LXX of 1950.

An Act to provide, in pursuance of a resolution under article 249 of the Constitution, for the control of prices of certain goods, and the supply and distribution thereof.

[*23rd December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title and extent* —(1) This Act may be called the Supply and Prices of Goods Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "dealer" means a person carrying on the business of selling any goods, whether wholesale or retail ;

(b) "goods" means goods to which this Act applies :

(c) "notified order" means an order notified in the Official Gazette ;

(d) "offer for sale" includes an intimation by a person of the price proposed by him for a sale of any goods made by the publication of a price list, by exposing his goods for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever ;

(e) "prescribed" means prescribed by rules made under this Act ;

(f) "producer" includes a manufacturer ;

(2) A person shall be deemed to be in possession of goods—

(i) when they are held on behalf of that person by another person ;

(ii) notwithstanding that they are mortgaged to another person.

3 *Goods to which this Act applies.*—Subject to the other provisions contained herein, this Act applies to the goods specified in the Schedule and to such other goods as the Central Government may, by notified order, specify in this behalf.

4. *Fixing of maximum prices and maximum quantities which may be held or sold.*—(1) The Central Government may, by notified order, fix in respect of any goods—

(a) the maximum price or rate which may be charged by a dealer or producer:

(b) the maximum quantity which may at any one time be possessed by a dealer or producer ;

(c) the maximum quantity which may in one transaction be sold to any person.

(2) Any such order may—

(a) fix maximum prices or rates and maximum quantities for the same description of goods differently in different localities or for different classes of dealers or producers ;

(b) instead of specifying the maximum price or rate to be charged; direct that that price or rate shall be computed in such manner and by reference to such matters as may be provided by the order.

5. *Restrictions on possession and sale by dealers and producers where maximum is fixed under section 4* —(1) No dealer or producer shall—

(a) sell or agree to sell or offer for sale to any person any goods for a price or at a rate exceeding the maximum fixed under clause (a) of sub-section (1) of section 4 ;

(b) have in his possession at any one time a quantity of any goods exceeding the maximum fixed under clause (b) of sub section (1) of section 4, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7 : or

(c) sell or agree to sell or offer for sale to any person in any one transaction a quantity of any goods exceeding the maximum fixed under clause (c) of sub section (1) of section 4.

(2) Where any goods are sold, agreed to be sold or offered for sale in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless he proves that he exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, shall be liable to the punishment provided by sub-section (1) of section 14.

(3) Where a dealer or producer disposes of any goods by having them sold by auction on his behalf, the auctioneer, as well as the dealer or producer, shall be liable to the punishment provided by sub-section (1) of section 14, if in any such sale there is a contravention of clause (c) of sub-section (1)

6 *General limitation of quantity which may be possessed at any one time.*—(1) No person shall have in his possession at any one time a greater quantity of any goods to which this section applies than the quantity necessary for the reasonable needs of himself and his family for the prescribed period, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7 :

Provided that nothing contained in this sub-section shall apply—

(*a*) to a dealer in respect of any goods sold or purchased by him in the course of his business, or

(*b* to a producer in respect of any goods produced by him.

(2) For the purposes of this section, the Central Government may prescribe the circumstances and matters which shall be taken into account in determining the reasonable needs of any person, and may prescribe different periods for different areas or for different classes of goods.

(3) Notwithstanding anything contained in section 3, this section shall apply only to such goods as the Central Government may, by notified order, specify in this behalf.

7. *Duty to declare possession of excess stocks* —(1) Any person having in his possession a quantity of any goods exceeding that permitted by or under this Act shall forthwith report the fact to the Central Government or to any officer appointed by it in this behalf and shall take such action as to the storage, distribution or disposal of the excess quantity as may be prescribed or as the Central Government or such officer may direct.

8. *Holding of stocks.*—(1) If any dealer has in his possession in the course of his business a stock of any goods and the said dealer or any person employed by him to sell goods in the course of his business, when asked by any other person (hereinafter in this section referred to as "the buyer") to sell goods of that description or whether he or his employer has such goods for sale—

(i) refuses to sell the goods, or denies that he or his employer has the goods, or by words or conduct intentionally causes the buyer to believe that he or his employer has not got the goods or will not or cannot sell them, or

(ii) offers to sell the goods subject to a condition requiring the buying of any other goods or subject to any other condition except the condition that the buyer shall pay the price forthwith or take delivery within a reasonable time,

the dealer carrying on the business shall be guilty of an offence under this Act.

(2) It shall be a defence for a person charged with any such offence to prove that the sale of the goods or the sale thereof without the fulfilment of the condition proposed by him, would, having regard to the quantity of goods which he or that person was requested to sell or any other consideration—

(a) be contrary to the normal practice of his business ; or

(b) involve a breach of some obligation lawfully binding on him ; or

(c) interfere with arrangements made by him for an orderly disposal of his stock among his regular customers

9. *Cash memorandum to be given of certain sales.*—(1) Every dealer or producer, when selling goods for cash shall, if the amount of the purchase is rupees ten or more, in all cases, and if the amount of the purchase is less than rupees ten, when so required by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The Central Government may prescribe the particulars to be contained in any such cash memorandum.

(3) Notwithstanding anything contained in section 3, this section shall apply to all goods, whether they are goods to which this Act applies within the meaning of that section or not, but the Central Government may, by notified order, exempt specified areas, classes of dealers or producers or classes of goods from the operation of this section.

10. *Marking of prices and exhibiting price lists and stocks.*—(1) The Central Government may direct dealers or producers in general, or any dealer or producer or class of dealers or producers in particular, to mark goods exposed or intended for sale with the sale prices or to exhibit at some easily accessible place on the premises price lists of goods held for sale and also to similarly exhibit on the first day of every month, or at such other intervals as may be prescribed, a statement of the total quantities of any such goods held in stock, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(2) No dealer shall destroy or efface, or alter or cause to be be des-

troyed, effaced or altered, any label or mark affixed—

(a) to any goods in pursuance of a direction under sub-section (1) or

(b) to any goods and indicating the price marked by a producer.

(3) Notwithstanding anything contained in section 3, the Central Government may, by notified order, declare that the provisions of this section shall also apply to any goods other than those to which this Act applies within the meaning of that section.

11. *Obligation to state prices separately on composite offer.*— Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect of both of a sale of any goods and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to the goods, if he is required so to do by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell the goods at the price so stated.

12. *Prohibition of closure of shops.*—No dealer in any goods shall keep his shop closed with the intention of avoiding the regular sale of such goods and thereby obtaining a higher price for the goods at a later date

13. *Power to regulate production and distribution of goods.*—The Central Government may, by general or special order,—

(a) prohibit the disposal of any goods except in such circumstances and under such conditions as may be specified in the order;

(b) direct the sale of the whole or a specified part of the stock of any goods at such prices and to such persons or class of persons or in such circumstances as may be specified in the order;

(c) regulate by licences, permits or otherwise the production, supply, storage, transport or distribution of any goods or the use of any goods in any industry.

14. *Penalties.*—(1) Any person who contravenes any of the provisions of this Act, or of any orders or rules made thereunder, shall if no other punishment is specified therefor in this Act, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both:

Provided that where the person is guilty of an offence under section 8, the Court shall sentence him to imprisonment for a term which may extend to three years, and may in addition impose a sentence of fine.

(2) Any person who fails to comply with any directions made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both

(3) A Court convicting any person of an offence punishable under this Act may order that the goods in respect of which the offence has been committed or a specified part thereof shall be forfeited to the Government.

15. *Offences by Corporations.*—(1) Where any person, contravening any of the provisions of this Act or of any order or direction made thereunder is a company or other body corporate, every person, who, during the relevant period, was in charge of, and was responsible to the company or other body corporate during that period for the conduct of the business of the establishment in or in relation to which the contravention has taken place, as well as the company or other body corporate, shall be deemed to be guilty of such contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any

person so in charge or responsible liable to any punishment provided in this Act, if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act or any order or direction made thereunder has been committed by a company or other body corporate and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company or other body corporate, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

16. *Powers of search and seizure.*—(1) For the purpose of enforcing the provisions of this Act, the Central Government may, by general or special order, authorise any officer not below the rank of an inspector of police—

(a) to enter and search any premises, vehicles, vessels or aircraft occupied for the purpose of the business in any goods or where any such goods may be found;

(b) to seize any goods in respect of which he has reason to believe that an offence under this Act has been committed and thereafter to take all such measures as may be necessary for securing the production of such goods in Court.

(2) If any person obstructs an officer in the exercise of the powers conferred upon him by this section he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

17. *Procedure.*—No offence punishable under this Act shall be inquired into by any person below the rank of an inspector of police and no prosecution for any such offence shall be instituted except with the previous sanction of the Central Government or of an officer not below the rank of a district magistrate empowered by the Central Government to grant such sanction.

18. *Summary trials.*—(1) Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), a magistrate empowered to act under that section may try any offence punishable under this Act in a summary way under the provisions of Chapter XXII of the said Code, and shall so try any such offence unless he is of opinion that in the event of the offence being proved a sentence which he is empowered under that Chapter to impose would be insufficient.

(2) Notwithstanding anything contained in section 362 of the said Code, a presidency magistrate trying an offence punishable under this Act shall not record the evidence or frame a charge unless he is of opinion that in the event of the offence being proved a sentence against which, in accordance with the provisions of sections 404 and 411 of the said Code no appeal lies, would be insufficient:

Provided that, where at any subsequent stage of a trial commenced in accordance with this sub-section, it appears to the presidency magistrate that in the event of the offence being proved such sentence as aforesaid would be insufficient, he shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided in the said section 362 for a case in which an appeal lies.

(3) Notwithstanding anything contained in section 526 of the said Code, no decision of a court to try any offence punishable under this Act

otherwise than in the summary manner provided by this section shall be a valid ground on which to make an application under that section.

(4) References in this section to the Code of Criminal Procedure, 1898, or to any provision thereof shall, in relation to any Part B State to which this Act extends, be construed as references to the corresponding law or to the corresponding provision thereof in force in that State.

19. *Accounts and information.*—(1) The Central Government may direct any dealer or producer to keep such books, accounts and other records in relation to all sale and purchase transactions entered into by him as it thinks necessary.

(2) The Central Government may direct a dealer or producer—

(*a*) to produce to, and allow to be examined by, a person specified in this behalf such books, accounts or other documents in the custody or under the control of the person so required as may be specified or described in the direction being documents relating to the transactions or business the examination of which may be required for the purpose of this Act; and

(*b*) to furnish to a person so specified such information as respects the transaction, or business as may be required for the purposes of this Act or such other information as may be in his possession in relation to his business carried on by another person.

(3) The Central Government may by notified order, issue to all dealers and producers of a specified class a direction such as is referred to in sub-section (1) or in clause (*a*) of sub-section (2).

20. *Restriction on disclosure of information.*—(1) No information with respect to any particular business which has been obtained under this Act shall, without the consent of the person carrying on that business, be disclosed otherwise than in connection with the execution of this Act:

Provided that nothing in this section shall apply to a disclosure of information made for the purpose of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purposes of any other law for the time being in force.

(2) If any person discloses any information in contravention of the provisions of this section he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

21. *Power to exempt.*—The Central Government may, by notified order, exempt any person or any goods or class of goods from all or any of the provisions of this Act or of any order made thereunder.

22. *Delegation of Powers.*—(1) The Central Government may, by notified order, direct that any power exercisable by it under this Act (except the power given to it under section 3) shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Central Government or by such State Government as may be specified in the direction.

(2) Any power exercisable by a State Government by virtue of a direction under sub-section (1) may, unless otherwise provided in such direction, be exercised also by such officer or authority subordinate to that State Government as it may, by notified order, specify in this behalf.

23. *Power to issue directions to State Governments.*—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any order or direction made thereunder.

24. *Bar of legal proceedings.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

25 *Saving of other laws.*—The provisions of the Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating the keeping, searching, distribution, disposal or price of goods.

26. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the matters referred to in sub-section (2) of section 6 ;

(*b*) the particulars to be contained in any cash memorandum under section 9 ;

(*c*) the manner in which prices may be marked on goods and price lists exhibited ;

(*d*) the issue of licences under section 13, and the attachment of any conditions thereto and the levying of a fee therefor ;

(*e*) any other matter which is to be or may be prescribed

27. *Repeal of Ordinance XXVI of 1950.*—(1) The Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken

THE SCHEDULE.

(*See* section 3)

GOODS TO WHICH THIS ACT APPLIES.

1. Non-ferrous metals, including brass (unwrought and semi-manufactured).
2. Bicycles, bicycle parts and accessories,
3. Cycle tyres and tubes.
4. Electric bulbs.
5. Caustic soda.
6. Soda ash.
7. Tanning materials (wattle bark, wattle extract, quebracho).
8. Raw rubber.
9. Casein.
10. Infants' foods (Glaxo, Horlicks, Cow and Gate Milk and Ostermilk).

The Indian Income-tax (Amendment) Act, 1950

The following Act of Parliament received the assent of the President on the 23rd December, 1950 and was published in the *Gazette of India*, Extraordinary Part II-Sec. 1, dated the 23rd December 1950.

Act No. LXXI of 1950.

An Act further to amend the Indian Income tax Act, 1922.

[*23rd December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Income-tax (Amendment) Act, 1950.

2. *Amendment of section 9 (1), Act XI of 1922.*—To sub-section (1) of section 9 of the Indian Income-tax Act, 1922 (hereinafter referred to as

the said Act), the following *Explanation* shall be added, and, subject to the provisions of section 3 of this Act, shall be deemed always to have been added, namely :—

Explanation.—For the purposes of clause (*iv*) of this sub-section, the expression "annual charge" does not include any tax in respect of property or income from property levied by a local authority or a State Government or the Central Government.

3. *Section 2 not to apply in certain cases.*—Where before the 7th day of October, 1950, the Supreme Court has, on an appeal in respect of the assessment of an assessee for any particular year, held that any tax paid by that assessee in respect of the relevant previous year is an "annual charge not being a capital charge" within the meaning of clause (iv) of sub-section (1) of section 9 of the said Act, then nothing contained in section 2 of this Act shall apply to the assessment of such assessee for that particular year.

4. *Special procedure for revision in certain cases.*—Where in respect of any assessment of an assessee under the head "Income from property", other than an assessment referred to in section 3, an allowance has, between the 26th day of May, 1950, and the 7th day of October, 1950, been made by an Income-tax authority or the Appellate Tribunal in respect of any municipal or other taxes levied by a local authority or a State Government as an annual charge not being a capital charge, the Income-tax Officer shall revise the assessment by excluding such allowance, and if, in consequence of such revision, any tax is found payable by the assessee, the Income-tax Officer shall serve on the assessee a notice of demand specifying the sum so payable, and such notice of demand shall be deemed to be issued under section 29 of the said Act, and the provisions of the said Act shall apply accordingly.

5. *Amendment of section 9 of Act XI of 1922.*—(1) As from the 1st day of April, 1951, for sub-section (2) of section 9 of the said Act, the following sub-section shall be substituted, namely :—

"(2) For the purposes of this section, the annual value of any property shall be deemed to be the sum for which the property might reasonably be expected to let from year to year :

Provided that where the property is in the occupation of the owner for the purposes of his own residence and the aforesaid sum exceeds ten per cent. of the total income of the owner, the annual value of the property shall be deemed to be ten per cent. of such total income :

Provided further that where the property is in the occupation of a tenant and the taxes levied by any local authority in respect of the property are, under the law authorising such levy, payable wholly by the owner or partly by the owner and partly by the tenant—

(a) one-half of the total amount of such taxes or one-eighth of the annual value of the property, whichever is less, shall, notwithstanding anything contained in such law, be deemed to be the tenant's liability for such taxes, and

(b) in determining the annual value of the property with reference to the rent payable by the tenant, a deduction shall be made equal to that part, if any, of the tenant's liability which is borne by the owner."

(2) The amendment made by sub-section (1) shall apply to all assessments for the year ending on the 31st day of March, 1952, and for any subsequent year.

6. *Repeal of Ordinance XXVIII of 1950.*—(1) The Indian Income-tax (Amendment) Ordinance, 1950 (XXVIII of 1950), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, as if this Act were in force on the day on which such thing was done or action was taken.

The Essential Supplies (Temporary Powers) Amendment Act, 1950

The following Act of Parliament, received the assent of the President on the 23rd December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Sec 1, dated the 23rd December, 1950.

Act No. LXXII of 1950.

An Act further to amend the Essential Supplies (Temporary Powers) Act, 1946.

[*23rd December, 1950.*]

Be it enacted by Parliament as follows :—

1 *Short title.*—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1950.

2. *Amendment of section 3, Act XXIV of 1946.*—In section 3 of the Essential Supplies (Temporary Powers) Act, 1946,—

(*a*) in sub-section (1), for the words "notified order" the word "order" shall be substituted :

(*b*) after sub section (1), the following sub-section shall be inserted, namely :—

"(1A) An order made under sub-section (1) shall,—

(*a*) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette ; and

(*b*) in the case of an order affecting an individual person, be served on such person—

(*i*) by delivering or tendering it to that person, or

(*ii*) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that person lives and the written report whereof should be witnessed by two persons living in the neighbourhood."

3. *Repeal of Ordinance XXXI of 1950.*—(1) The Essential Supplies (Temporary Powers) Amendment Ordinance, 1950 (XXXI of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed or have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

(3) References in section 2 of this Act to any provision of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) shall be construed as references to that provision as in force immediately before the commencement of the said Ordinance.

The Representation of the People (Amendment) Act, 1950.

The following Act of Parliament received the assent of the President on the 23rd December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Sec 1, dated the 23rd December 1950.

Act No. LXXIII of 1950.

An Act to amend the Representation of the People Act, 1950.

[*23rd December, 1950*]

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Representation of the People (Amendment) Act, 1950.

2. *Amendment of the long title, Act XLIII of 1950.*—In the long title of the Representation of the People Act, 1950 (hereinafter referred to as the said Act), after the words "the preparation of electoral rolls" the words and letter "the manner of filling seats in the Council of States to be filled by representatives of Part C States" shall be inserted.

3. *Amendment of section 2, Act XLIII of 1950.*—In section 2 of the said Act, after clause (c) the following clause shall be inserted, namely :—

"(cc) 'Council of States constituency' means a constituency provided by order made under section 27C for the purpose of election of members to the electoral college for any Part C State or group of such States referred to in section 27A ;"

4. *Amendment of section 16, Act XLIII of 1950.*—In section 16 of the said Act—

(a) in clause (c) of sub-section (1), after the word "corrupt" the words "and illegal" shall be inserted ; and

(b) to sub-section (2) the following proviso shall be added, namely:—

"Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal."

5 *Insertion of new section 22A in Act XLIII of 1950* —After section 22 of the said Act, the following section shall be inserted, namely :

"22A. *Special provisions with regard to electoral rolls first prepared under the Act.*—(1) Notwithstanding anything contained in the foregoing provisions of this Part the first electoral rolls under this Act shall be prepared in relation to such areas (referred to in this Act as 'electoral units') in each State as the Election Commission may, in consultation with the Government of that State, direct.

(2) An electoral roll prepared under sub-section (1) shall be published in such manner and at such places as may be prescribed by reference to the electoral unit for which the roll has been prepared for the purpose of inviting claims for inclusion in, or objection to, such roll.

(3) For the purpose of the preparation of electoral rolls under sub-section (1) and the claims and objections referred to in sub-section (2), the provisions of sections 15, 17, 18, 19, 20 and 22 shall have effect as if for any reference to a constituency in the said sections there were substituted a reference to an electoral unit.

(4) After the constituencies in a State have been determined under Part II and after the claims and objections in respect of the electoral rolls for all the electoral units or parts thereof comprised in a constituency so determined have been disposed of in accordance with the rules made in that behalf under section 28 and such electoral rolls have been altered in accordance with the decisions given on such claims and objections, the electoral rolls for all such electoral units and parts thereof so altered shall be republished in the manner prescribed as the electoral roll for such constituency and shall, on such republication, be deemed to be the electoral roll prepared under this Act for that constituency."

6. *Amendment of section 26, Act XLIII of 1950.*—In section 26 of the said Act, after the words and figures "section 15 to 25", the brackets,

words, figures and letter "(including the special provisions contained in section 22A)" shall be inserted.

7. *Amendment of section 27, Act XLIII of 1950.*—In sub-section (4) of section 27 of the said Act, after the figures "28" the brackets and words "(excluding the proviso)" shall be inserted.

8. *Insertion of new Part IVA in Act XLIII of 1950.*—After Part IV of the said Act, the following Part shall be inserted, namely :—

"PART IVA

MANNER OF FILLING SEATS IN THE COUNCIL OF STATES TO BE FILLED BY REPRESENTATIVES OF PART C STATES.

27A. *Constitution of electoral colleges for the filling of seats in the Council of States allotted to Part C States.*—(1) For the purpose of filling any seat or seats in the Council of States allotted to any Part C State or group of such States in the Fourth Schedule to the Constitution there shall be an electoral college for each such State or group of States :

Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg there shall be an electoral college only for the State of Ajmer :

Provided further that for the purpose of filling the seat alloted to the States of Manipur and Tripura there shall be an electoral college for each of the said States.

(2) The electoral college for each State or group of States specified in the first column of the Fifth Schedule shall consist of the number of members specified in the second column thereof opposite to that State or group of States to be chosen by direct election.

(3) The electoral college first constituted under this Act for any State or group of States so specified shall be reconstituted by a fresh election every time when there is a general election held in that State or group of States for the purpose of election of members to the House of the People, and on every such reconstitution the electoral college for that State or group of States functioning immediately before such reconstitution shall be deemed to be dissolved and the electoral college so reconstituted shall be the electoral college for such State or group of States, as the case may be, for the purposes of this Act.

(4) Any casual vacancy in the seat of a member of an electoral college for any such State or group of States as is referred to in sub-section (2) shall be filled by election held in the constituency concerned in the manner in which the election of that member to such seat was held.

(5) The electoral college for the State of Delhi shall consist of—

(a) the members of the House of the People representing that State ;

(b) the non-official members of the Advisory Council of the Chief Commissioner of Delhi ; and

(c) the non-official members of every cantonment board, district board, municipal committee and notified area committee within that State.

27B. *Council of States constituencies.*—For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be the constituencies provided by order under section 27C and no other constituencies.

27C. *Delimitation of Council of States constituencies.*—As soon as may be after the commencement of this Act, the President shall by order determine—

(a) the constituencies into which each State or group of States specified in the first column of the Fifth Schedule shall be divided for the purpose of election of members to the electoral college for such State or

group of States;

(b) the extent of each constituency; and

(c) the number of seats allotted to each constituency.

27D. *Power to alter or amend orders.*—The President may, from time to time, after consulting the Election Commission, by order, alter or amend any order made by him under section 27C.

27E. *Procedure as to orders delimiting constituencies.*—(1) The Election Commission shall,—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13, in respect of each Part C State specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, formulate proposals as to the delimitation of constituencies in that State under section 27C, and

(b) in consultation with the Advisory Committee set up under the said sub-section in respect of Himachal Pradesh, formulate proposals as to the delimitation of constituencies in the States of Bilaspur and Himachal Pradesh under section 27C,

and submit the proposals to the President for making the order under the said section 27C.

(2) Every order made under section 27C shall be laid before Parliament as soon as may be after it is made, and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid.

27F. *Electoral rolls for Council of States constituencies.*—(1) For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be an electoral roll for every Council of States constituency in that State or group of States.

(2) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III as relate to the areas comprised within a Council of States constituency shall be deemed to be the electoral roll for that Council of States constituency.

27G. *Termination of membership of electoral college for certain disqualifications.*—If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college.

27H. *Manner of filling of seats in the Council of States allotted to Part C States.*—Save as otherwise provided in section 27I the seat or seats in the Council of States allotted to any Part C State or group of such States in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for such State or group of States in accordance with the system of proportional representation by means of the single transferable vote.

27I. *Special provisions for the filling of the seats in the Council of States allotted to the States of Ajmer and Coorg and the States of Manipur and Tripura.*—(1) The seat in the Council of States allotted to the States of Ajmer and Coorg in the Fourth Schedule to the Constitution shall be filled by a person elected by the members of the electoral college for the State of Ajmer and by the elected members of the Coorg Legislative Council in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Ajmer and at

the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the elected members of the Coorg Legislative Council.

(2) The seat in the Council of States allotted to the States of Manipur and Tripura in the said Schedule shall be filled by a person elected by the members of electoral college for the State of Tripura and by the members of the electoral college for the State of Manipur in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Tripura and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Manipur

(3) The casual vacancy in the seat alloted to the States of Ajmer and Coorg or to the States of Manipur and Tripura shall be filled by election in the State in which the election to fill the seat was held at the last preceding general or biennial election, as the case may be.

(4) Every election held under sub-section (1), sub-section (2) or sub-section (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote.

27J. *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein.*— No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college or Council, as the case may be.

27K. *Replacement of electoral colleges by bodies created under article 240 to function as Legislature.*—Notwithstanding anything contained in the foregoing provisions of this Part—

(*a*) if a body is created by Parliament by law under article 240 for any of the States specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, to function as a legislature for that State, then after such body has been constituted it shall not be necessary to constitute or reconstitute any electoral college for that State and on the constitution of such body any electoral college for the time being functioning for such State shall be deemed to be dissolved, and section 27H or section 27I, as the case may be, shall in its application to that State have effect as if for any reference to the electoral college for such State in that section there were substituted a reference to the body so created for such State ;

(*b*) if any such body as aforesaid is so created for each of the States of Bilaspur and Himachal Pradesh, then after both such bodies have been constituted, it shall not be necessary to constitute or reconstitute any electoral college for those States and on the constitution of both such bodies any electoral college for the time being functioning for those States shall be deemed to be dissolved, and section 27H shall, in its application to that group of States, have effect as if for the reference to the electoral college for the said group of States in that section there were substituted a reference to the bodies so created for those States ; and

(*c*) if any such body as aforesaid is so created for the State of Coorg, then on the constitution of such body section 27I shall, in its application to that State, have effect as if for any reference to the Coorg Legislative Council in that section there were substituted a reference to the body so created for such State."

9. *Amendment of section 28, Act XLIII of 1950.*—In clause (*b*) of

sub-section (2) of section 28 of the said Act, the words "in the constituencies to which they relate" shall be omitted.

10. *Addition of new Fifth Schedule to Act XLIII of 1950.*—After the Fourth Schedule to the said Act, the following Schedule shall be added, namely :—

"THE FIFTH SCHEDULE

[*See* sections 27A (2), 27B, 27C (*a*), 27E (1), 27F (1) and 27K (*a*)]

Number of members of Electoral Colleges.

Name of State	Number of members
1	2
1. Ajmer	30
2. Bhopal	30
3. Bilaspur and Himachal Pradesh	42
4. Kutch	30
5. Manipur	30
6. Tripura	30
7. Vindhya Pradesh	60"

11. *Repeal of Ordinance XXIX of 1950.*—(1) The Representation of the People (Amendment) Ordinance, 1950 (XXIX of 1950), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act as amended by the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the said Act as amended by this Act as if this Act were in force on the day on which such thing was done or such action was taken.

The Telegraph Wires (Unlawful Possession) Act, 1950.

The following Act of Parliament received the assent of the President on the 28th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Sec. 1, dated the 30th December, 1950.

Act No. LXXIV of 1950.

An Act to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof

[*28th December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Telegraph Wires (Unlawful Possession) Act, 1950.

(2) It extends to the whole of India.

(3) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, appoint for such State, and different dates may be appointed for different States.

2. *Definitions.*—In this Act,—

(a) "prescribed" means prescribed by rules made under this Act ;

(b) "telegraph wire" means copper wire of any one of the following gauges commonly used in telegraph lines, namely, one hundred and fifty pounds per mile, two hundred pounds per mile or three hundred pounds per mile.

3. *Duty to declare possession of telegraph wires.*—Every person in possession of telegraph wires shall, within six months from the commencement of this Act, make a declaration in writing, in such form and to such

authority as may be prescribed, stating the quantity of telegraph wires in his possession.

4. *Duty to have telegraph wires converted or sold.*—Every person in possession of telegraph wires which exceed ten pounds in weight shall, within one year from the commencement of this Act, have the whole of the quantity as is in excess of ten pounds converted into ingots :

Provided that it shall be open to any such person to sell the whole or any part of the telegraph wires in his possession at such price and to such authority as may be prescribed.

5 *Penalty for unlawful possession of telegraph wires.*—Whoever is found or is proved to have been in possession of any quantity of telegraph wires which the court has reason to believe to be, or to have been, the property of the Posts and Telegraph Department of the Central Government shall, unless he proves that the telegraph wires came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both :

Provided that where a person has made a declaration under section 3 in relation to any quantity of telegraph wires, the burden of proving, in respect of the quantity so declared, that it came into his possession lawfully, shall not be on such person.

6. *Penalty for contravention of provisions of section 3 or section 4.*—Any person who fails to make a declaration as required by section 3 or fails to comply with the provisions of section 4 shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

7. *Cognizance of offences.*—(1) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the Central Government or by an officer specially empowered in this behalf by that Government.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

8. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form in which, and the authorities to which, declarations under section 3 may be made ;

(b) the authorities to which, and the prices at which, telegraph wires may be sold under section 4.

The Indian Nursing Council (Amendment) Act, 1950.

The following Act of Parliament received the assent of the President on the 28th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Sec. 1, dated the 30th December, 1950.

Act No LXXV of 1950

An Act to amend the Indian Nursing Council Act, 1947.

[*28th December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Nursing Council (Amendment) Act, 1950.

2. *Amendment of section 10, Act XLVIII of 1947.*—In sub-section (3) of section 10 of the Indian Nursing Council Act, 1947,—

(a) for the words "in any State or country outside the States" the words and letter "in any Part B State or foreign country" shall be substituted ;

(b) in the first proviso,—

(i) for the words "of the State or country" the words "of the foreign country" shall be substituted;

(ii) for the words "in any State" the words "in India" shall be substituted ;

(iii) for the words "in that State or country" the words "in that country" shall be substituted ; and

(c) for clause (ii) of the second proviso, the following clause shall be substituted, namely :—

"(ii) any qualification granted by an authority in a Part B State and recognised on the said date by the State Council of a State to which this Act extends, shall continue to be a recognised qualification for the purpose of registration in that State."

The State Railway Provident Fund (Temporary Provisions) Act, 1950

The following Act of Parliament received the assent of the President on the 28th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II Sec. 1, dated the 30th December 1950.

Act No LXXVI of 1950

An Act to make temporary provisions for the payment of moneys in the State Railway Provident Fund to dependants of deceased displaced persons.

[*28th December, 1950*]

BE it enacted by Parliament as follows :—

1. *Short title, extent and duration.*—(1) This Act may be called the State Railway Provident Fund (Temporary Provisions) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall cease to have effect on the 31st day of December, 1952, save as respects things done or omitted to be done before that date.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of a railway administration and includes such other officer as may be appointed in this behalf by the Financial Commissioner, Railways ;

(b) "dependant" means any of the following relatives of a deceased subscriber to, or a depositor in, the State Railway Provident Fund who was a displaced person, namely :—

wife, husband, child and a deceased son's widow and child ;

(c) "displaced person" means a person employed under the North-Western railway administration or the Bengal and Assam railway administration before the 15th day of August, 1947, who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan,—

(i) was displaced from, or left his place of residence in, such area after the 1st day of March, 1947, or

(ii) opted for employment in any area now forming part of India ;

(iii) did not opt for employment in any area now forming part of Pakistan ;

(d) "State Railway Provident Fund" means the Provident Fund as constituted under the State Railway Provident Fund Rules.

3. *Application of the Provident Funds Act, 1925.*—The provisions of this shall have effect notwithstanding any provisions inconsistent therewith contained in the Provident Funds Act, 1925 (XIX of 1925), but shall not be in derogation of any of the other provisions of that Act.

4. *Repayment of State Railway Provident Fund moneys in certain cases.*—(1) Where, in the case of any deceased displaced person, the Accounts Officer is satisfied, after such inquiry as may be prescribed, that any nomination made by the deceased displaced person in respect of any sum standing to his credit in the State Railway Provident Fund has been lost or is not readily available and that the terms of that nomination cannot be proved otherwise, he shall pay the sum so standing to his credit to his dependants in equal shares :

Provided that no share shall be payable to—

(a) sons or sons of a deceased son who have attained majority,

(b) married daughters whose husbands are alive, and

(c) married daughters of a deceased son whose husbands are alive,

if there are any other dependants, and the share which a dependant would otherwise have taken if not disqualified under this proviso shall be divided among the other dependants in equal shares:

Provided further that the widow and the children of a deceased son shall take between them in equal parts, the share which that son would have taken, if he had survived the subscriber and had not attained majority at the time of the subscriber's death.

(2) If there are no dependants, any such sum as is specified in sub-section (1) shall be payable,—

(a) if the sum does not exceed five thousand rupees, to any person appearing to the Accounts Officer, after such inquiry as may be prescribed, to be entitled to receive it ;

(b) if the sum exceeds five thousand rupees, to any peason on production by such person of probate or letters of administration or succession certificate entitling him to receive payment of such sum.

5. *Discharge on payment.*—The making of a payment authorised by the provisions of this Act shall be a full discharge to the Central Government and to the railway administration concerned from all liability in respect of the sum so paid :

Provided that nothing contained in this Act shall prevent any person claiming under a nomination or declaration made by a deceased displaced person from establishing in a court the right which he claims and following the money into the hands of the persons who have received payment thereof under the provisions of this Act.

6. *Penalty for false statements.*—Any person who, for the purpose of obtaining any payment under the provisions of this Act, makes a declaration or statement which is false or which he either knows or has reason to believe to be false or does not believe to be true shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

7. *Bar of jurisdiction.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the provisions of this Act.

8. *Power to make rules.*—The Central Government may make rules to carry out the purposes of this Act, and, in particular, for—

(i) regulating the manner in which any inquiry may be made by the Accounts Officer ;

(ii) requiring security to be furnished by any person before payment of any sum is made to him under the provisions of this Act.

The Khaddar (Protection of Name) Act, 1950.

The following Act of Parliament received the assent of the President on the 28th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Sec. 1, dated the 30th December 1950.

Act No. LXXVIII of 1950

An Act to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials

[*28th December, 1950*.]

Be it enacted by Parliament as follows :—

1. *Short title and extent.*—(1) This Act may be called the Khaddar (Protection of Name) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *The words "Khaddar" and "Khadi" to be trade description.*—The words "Khaddar" and "Khadi" whether in Hindi or in any other Indian language or in English, when applied to any woven material, shall be deemed to be a trade description within the meaning of the Indian Merchandise Marks Act, 1889 (IV of 1889), indicating that such material is cloth woven on handlooms in India from cotton, silk or woolen yarn hand-spun in India or from a mixture of any two or all of such yarns.

3. *Repeal*.—The Khaddar (Name Protection) Act, 1934 (VIII of 1934), is hereby repealed.

The Appropriation (Railways) No. 2 Act, 1950

The following Act of Parliament received the assent of the President on the the 28th December, 1950 and was published in the *Gazette of India*, Extraordinary, Part II-Sec. 1, dated the 30th December 1950.

Act No. LXXVII of 1950

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951, for the purposes of railways.

[*28th December, 1950*].

Be it enacted by Parliament as follows :—

1. *Short title*.—This Act may be called the Appropriation (Railways) No. 2 Act, 1950.

2. *Issue of Rs. 21,95,91,000 out of the Consolidated Fund of India for the year 1950-51*.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-one crores, ninety five lakhs and ninety-one thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation*.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

SCHEDULE

(*See* sections 2 and 5.)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Audit	1,04,000	...	1,04,000
3	Miscellaneous expenditure	16,04,000	...	16,04,000
4	Working Expenses—Administration.	53,55,000	...	53,55,000
5	Working Expenses—Repairs and Maintenance	4,42,40,000	...	4,42,40,000
6	Working Expenses—Operating Staff	15,71,000	...	15,71,000
7	Working Expenses—Operation (Fuel)	1,87,49,000	...	1,87,49,000
8	Working Expenses—Operation other than Staff and Fuel	2,36,01,000	...	2,36,01,000
9	Working Expenses—Miscellaneous Expenses	1,20,33,000	...	1,20,33,000
9A	Working Expenses—Labour Welfare	15,15,000	...	15,15,000
12A	Open Line Works—(Revenue) Labour Welfare	68,17,000	...	68,17,000
12B	Open Line Works—(Revenue) Other than Labour Welfare	40,02,000	...	40,02,000
15	Construction of new lines	1,01,31,000	...	1,01,31,000
16	Open Line Works—Additions	1,53,48,000	...	1,53,48,000
17	Open Line Works—Replacements	7,45,21,000	...	7,45,21,000
	GRAND TOTAL	21,95,91,000	...	21,95,91,000

The Code of Criminal Procedure (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 17th February 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 19th February 1951.

Act No. I of 1951.

An Act further to amend the Code of Criminal Procedure, 1898.

[*17th February, 1951.*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Notes

Object.—"The Code of Criminal Procedure, 1898, extends at present only to Part A and Part C States. Each of the Part B States has its own Code or Codes which, although drawn on practically the same lines as the Code of 1898, operate as distinct and separate laws. One particularly inconvenient result of this multiplicity of Codes is that the warrants and summonses issued by a Court in a Part A State or Part C State against an accused person cannot be executed or served in a Part B State, and *vice versa*, without recourse to extradition proceedings which are entirely inappropriate. Furthermore, it is obviously desirable that criminal procedure throughout the country should be regulated by a single law. The main object of this Bill is to provide such a law, by extending the Code of 1898 to Part B States and repeal the corresponding laws now in force in those States.

The opportunity has been taken to insert in the Code a provision designed to protect the Rulers of Indian States from vexatious criminal proceedings. Before the 15th August 1947, these Rulers enjoyed, even outside their States, complete immunity from criminal proceedings in any Court on principles of international comity. Covenants and agreements executed by them since that date guarantee to them all the personal privileges which were enjoyed by them immediately before the 15th August, 1947, and this guarantee has been incorporated in article 362 of the Constitution. It is proposed in clause 11 of the Bill to make a statutory provision in the Code to the effect that no court shall take cognizance of any offence alleged to have been committed by a Ruler except with the previous sanction of the Central Government. While giving the Government of India full discretion to let the law of the land have its course in appropriate cases, this provision will enable them to safeguard the Rulers' privileges so far as possible.

The Bill also makes a few other amendments in the Code of a minor and formal character which are explained in the notes on clauses. [Vide Statement of Objects and Reasons, printed in the *Gazette of India*, 1950, Part II-Sec. 2, page 651].

2. *Substitution of "India" for "the States" in Act V of 1898.*—In the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code), for the words "the States", wherever they occur, the word "India" shall be substituted.

3. *Amendment of section 1, Act V of 1898.*—In sub-section (2) of section 1 of the said Code,—

(i) for the words and letter "whole of India except Part B States", the words "whole of India except the States of Jammu and Kashmir and Manipur" shall be substituted;

(ii) for the words "Presidency of Fort St. George" the words "State of Madras" shall be substituted; and

(iii) for the words "Presidency of Bombay", the words "State of Bombay" shall be substituted.

4. *Amendment of section 4, Act V of 1898.*—In sub-section (1) of section 4 of the said Code,—

(i) for clause (j), the following clauses shall be substituted, namely:—

"(j) "High Court", in relation to the Andaman and Nicobar Islands, means the High Court in Calcutta, and, in relation to any other local area, means the highest court of criminal appeal for that area (other than the

Supreme Court) or, where no such court is established under any law for the time being in force, such officer as the State Government may appoint in this behalf :

(j) "India" means the territories to which this Code extends ;' ;

(ii) clause (tt) shall be omitted.

Notes

The present definition of High Court in section (1) (j) of the Code is slightly defective in that it does not expressly exclude the Supreme Court which is the highest court of criminal appeal or revision in the whole of India. The definition has accordingly been revised to remove this defect, and also to provide that the High Court for the Andaman and Nicobar Islands in regard to criminal matters will be the High Court in Calcutta.

5. *Amendment of section 25, Act V of 1898.*— In section 25 of the said Code, the words and letter "except Part B States" shall be omitted.

6. *Amendment of section 30, Act V of 1898.*—In section 30 of the said Code,—

(i) for the words "Punjab, Delhi, Oudh, the Central Provinces, Coorg and Assam" the words "Assam, Madhya Pradesh, Punjab, Oudh, Madhya Bharat, Hyderabad, Mysore, Patiala and East Punjab States Union and Rajasthan, in all Part C States" shall be substituted ;

(ii) for the word and figures "section 29", the words and figures "section 28 or section 29" shall be substituted.

Notes

A provision corresponding to section 30 of the Code now exists in the criminal procedure codes of Madhya Bharat, Mysore, Patiala and East Punjab States Union, and Rajasthan. The territorial references in section 30 have accordingly been revised to include these four States and also all Part C States.

7. *Amendment of section 45, Act V of 1898.*—In clause (ii) of sub-section (2) of section 45 of the said Code, for the words "by the Central Government or the Crown Representative in any part of India", the words "by the Central Government outside India" shall be substituted

8. *Amendment of ection 54, Act V of 1898.*—In sub-section (1) of section 54 of the said Code,—

(i) in clause *sixthly*, words and figures "declared under the Indian Extradition Act, 1903, to be a unit desertion from which is an extradition offence" shall be omitted ;

(ii) in clause *seventhly*, the words and figures "or under the Fugitive Offenders Act, 1881" shall be omitted.

9. *Substitution of new Part E in Chapter VI, Act V of 1898.*—In Chapter VI of the said Code, for Part E consisting of sections 93A, 93B and 93C, the following shall be substituted, namely :—

'E.—Special Rules regarding Processes in certain cases.

93A. *Special rules regarding processes in certain cases.*—(1) In this section, the expression "internal court" means any court in the territories to which this Code extends, and the expression "external court" means any court established or continued by the authority of the Central Government in exercise of its foreign jurisdiction or any court in the State of Jammu and Kashmir or in the State of Manipur.

(2) Where an internal court desires that a summons to, or a warrant for the arrest of, an accused person issued by it shall be executed at any place within the local limits of the jurisdiction of an external court, it may send such summons or warrant, in duplicate, by post or otherwise, to the

presiding officer of that court to be served or executed; and where any such summons has been so served, the provisions of section 74 shall apply in relation to such summons as if the presiding officer of the external court to whom it is sent were a magistrate in the territories to which this Code extends.

(3) Where an internal court has received for service or execution a summons to, or a warrant for the arrest of, an accused person issued by an external court, it shall cause the same to be served or executed as if it were a summons or warrant received by it from another internal court for service or execution within the local limits of its jurisdiction; and where any such warrant of arrest has been so executed, the person arrested shall, so far as possible, be dealt with in accordance with the procedure prescribed by sections 85 and 86.'

Notes

Existing sections 93A, 93B and 93C of the Code have been formally revised and simplified so as to provide for the service or execution of summonses and warrants of arrest on a reciprocal basis between the States of Jammu and Kashmir and Manipur on the one hand and the rest of India on the other, as also in regard to courts established by the Central Government outside India in the exercise of foreign jurisdiction (e.g., in Bhuttan and Sikkim).

10. *Amendment of section 194, Act V of 1898.*—In sub-section (1) of section 194 of the said Code, for the word "order" the word "law" shall be substituted.

Notes

The formal amendments made by sections 10, 13 and 19 include the *laws* by which the various High Courts in Part B States have been constituted.

11. *Insertion of new section 197A in Act V of 1898.*—After section 197 of the said Code, the following section shall be inserted, namely :—

'197A. *Prosecution of Rulers of former Indian States.*—(1) In this section—

(a) "former Indian State" means any such Indian State as the Central Government may, by notification in the Official Gazette, specify for the purposes of this section;

(b) "Ruler", in relation to a former Indian State, means the person who, for the time being is recognised by the President as the Ruler of that State for the purposes of the Constitution.

(2) No court shall take cognizance of any offence alleged to have been committed by the Ruler of a former Indian State except with the previous sanction of the Central Government.

(3) The provisions of sub-section (2) of section 197 shall apply in relation to the prosecution and trial of the Ruler of a former Indian State as they apply in relation to the prosecution and trial of a Judge.'

12. *Amendment of section 266, Act V of 1898.*—In section 266 of the said Code, for the words and letter "for a Part A State" the words and letters "for a Part A State or a Part B State" shall be substituted.

13. *Amendment of section 267, Act V of 1898.*—In section 267 of the said Code, for the word "order" the word "law" shall be substituted.

14. *Amendment of section 320, Act V of 1898.*—In clause (aa) of section 320 of the said Code, the words and letters "Part A State or Part C" shall be omitted.

15. *Amendment of section 321, Act V of 1898.*—In sub-section (2) of section 321 of the said Code, the words "and if the person is an European

or an American, the list shall mention the race to which he belongs" shall be omitted.

16. *Amendment of sections 364 and 365, Act V of 1898.*—In sections 364 and 365 of the said Code, for the words and letter "for a Part A State" the words and letters "for a Part A State or a Part B State" shall be substituted.

17. *Amendment of section 369, Act V of 1898.*—In section 369 of the said Code, the words and letter "for a Part A State" shall be omitted.

18. *Amendment of section 371, Act V of 1898.*—For sub section (3) of section 371 of the said Code, the following sub-section shall be substituted, namely :—

"(3) When the accused is sentenced to death by any court and an appeal lies from such judgment as of right, the court shall inform him of the period within which, if he wishes to appeal, his appeal should be preferred."

Notes

Under section 371 of the Code, a session judge passing a sentence of death on an accused person has to inform him of the period of limitation within which he should appeal to the High Court. A Judge of a High Court, however, was not under the same obligation when trying a case in the exercise of the original jurisdiction of the High Court Now, the provisions of section 371 of the Code apply to Judges of High Courts as well.

19. *Amendment of section 411A, Act V of 1898.*—In sub-sections (1) and (2) of section 411A of the said Code, for the words "in the Letters Patent of any High Court" the words "in the Letters Patent or law by which the High Court is constituted or continued" shall be substituted.

20. *Amendment of section 426, Act V of 1898.*—In sub-section (3) of section 426 of the said Code, the words "penal servitude" shall be omitted.

21. *Substitution of new sections for sections 503 to 508A, Act V of 1898.*—For sections 503 to 508A, inclusive, the following sections shall be substituted, namely :—

"503. *When attendance of witness may be dispensed with and commission issued.*—(1) Whenever, in the course of any inquiry, trial or other proceeding under this Code, it appears to a High Court, court of session, district magistrate or presidency magistrate that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such court or magistrate may dispense with such attendance and may issue a commission for the examination of the witness in accordance with the provisions of this Chapter.

(2) Whenever, in the course of an inquiry, trial or other proceeding under this Code before any magistrate other than a district magistrate or presidency magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such magistrate shall apply to the district magistrate stating the reasons for the application ; and the district magistrate may either issue a commission in the manner hereinafter provided or reject the application.

504. *Commission to whom to be issued.*—(1) If the witness is within the territories to which this Code extends, the commission shall be directed

to the district magistrate or chief presidency magistrate, as the case may be, within the local limits of whose jurisdiction the witness is to be found.

(2) If the witness is in India, but in an area to which this Code does not extend, the commission shall be directed to such court or officer as the Central Government may, by notification in the official Gazette, specify in this behalf.

(3) If the witness is in a country or place outside India and arrangements have been made by the Central Government with the Government of such country or place for taking the evidence of witnesses in relation to criminal matters, the commission shall be issued in such form, directed to such court or officer, and sent to such authority for transmission, as the Central Government may, by notification in the Official Gazette, prescribe in this behalf.

505. *Execution of commissions.*—(1) Upon receipt of the commission, the district magistrate, or such magistrate of the first class as he may appoint in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him: and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant cases under this Code.

(2) Upon receipt of the commission, the chief presidency magistrate, or such presidency magistrate subordinate to him as he may appoint in this behalf, may compel the attendance of, and examine, the witness as if he were a witness in a case pending before himself.

506. *Parties may examine witnesses.*—(1) The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the court or magistrate directing the commission may think relevant to the issue, and it shall be lawful for the magistrate, court or officer to whom the commission is directed, or to whom the duty of executing it is delegated, to examine the witness upon such interrogatories.

(2) Any such party may appear before such magistrate, court or officer by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

507. *Return of commission.*—(1) After any commission issued under section 503 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the court or magistrate issuing the commission; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

(2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Indian Evidence Act, 1872 (1 of 1872), may also be received in evidence at any subsequent stage of the case before another court.

508. *Adjournment of proceeding.*—In every case in which a commission is issued under section 503, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

508A. *Execution of foreign commissions.*—(1) The provisions of section 505 and so much of section 506 and section 507 as relates to the execution of a commission and its return shall apply in respect of commissions issued by any of the courts, judges or magistrates hereinafter mentioned as they apply to commissions issued under section 503.

(2) The courts, judges and magistrates referred to in sub-section (1) are—

"(a) any such court, judge or magistrate exercising jurisdiction within an area in India to which this Code does not extend, as the Central Government may, by notification in the Official Gazette, specify in this behalf; and

(b) any court, judge or magistrate exercising jurisdiction in any such country or place outside India as the Central Government may, by notification in the Official Gazette, specify in this behalf, and having authority, under the law in force in that country or place, to issue commissions for the examination of witnesses in relation to criminal matters."

Notes

This section revises the whole of Chapter XI of the Code relating to commissions for the examination of witnesses. Piece-meal amendments made in this Chapter in recent years have rendered the provisions somewhat difficult to follow In the new section 504(3) corresponding to the existing section 503(2B), a general provision has been made for issue of commissions to *any* country outside India if and when arrangements have been made by the Government of India with the Government of that country.

22. *Amendment of section 554, Act V of 1898.*—In sub-section (1) of section 554 of the said Code, for the words and letter "for a Part A State", the words and letters "for a Part A State or a Part B State" shall be substituted.

23. *Amendment of section 558, Act V of 1898.*—In section 558 of the said Code, after the words and letter "Part A State" the words and letter "or a Part B State" shall be substituted.

24. *Amendment of Schedule II, Act V of 1898.*—In Schedule II to the said Code, under the heading "Offences against other laws," in the fifth column relating to the second item, after the words "Except in cases" the words "not relating to fire-arms" shall be inserted.

Notes

In order to have stricter control over offences relating to firearms, all such offences punishable under section 19 of the Indian Arms Act, 1878, have been made non-bailable by amending the relevant entry in Schedule II of the Code.

25. *Repeals and savings.*—(1) If immediately before the day on which this Act comes into force in a Part B State there is in force in that State any law which corresponds to the said Code, such corresponding law shall on that day stand repealed but not so as to restore any jurisdiction or form of procedure not then existing or followed or to render unlawful the continuance of any confinement which is then lawful.

(2) All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any corresponding law hereby repealed shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding provision of the said Code.

(3) The provisions of the said Code shall apply to all proceedings instituted after the coming into force of the said Code in any Part B State and, so far as may be, to all cases pending in any criminal court in that State when the said Code comes into force therein.

(4) Where under any law in force in a Part B State immediately before the commencement of this Act, a sessions judge has been empowered to exercise all or any of the powers of a district magistrate, then, not-

withstanding anything contained in sub-section (1), that law shall, in so far as it purports to confer such powers on any sessions judge, continue to have effect as if enacted in the said Code, and nothing in the said Code shall be deemed to transfer to any district magistrate in that State any of the powers so exercisable by a sessions judge.

The Code of Civil Procedure (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 17th February 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 19th February 1951.

Act No. II of 1951.

An Act further to amend the Code of Civil Procedure, 1908

[*17th February, 1951*]

Be it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Notes

Object.—"The Code of Civil Procedure, 1908, at present extends to all Part A States and Part C States except Manipur. Each of the Part B States has its own Code of Civil Procedure which, although very similar to the Code of 1908, is technically a distinct law. A material disadvantage arising out of this plurality of Codes is that decrees, summonses and other processes made or issued by civil courts in a Part B State are not automatically executable in a Part A State or Part C State, and *vice versa*. It is obviously desirable that the Code of 1908 should be extended to all Part B States in order that there might be a single law regulating civil procedure throughout India. The main object of this Act is to provide for such an extension.

Secondly, in view of the constitutional absorption of the former Indian States in the polity of the country, it has become necessary to recast the fascicle of five sections relating to "suits by aliens and by or against foreign Rulers and Rulers of Part B States", contained in Part IV of the Code. Sections 83 to 87 till recently applied to all those Rulers of Indian States who exercised any sovereign powers within their territories, in exactly the same way as they applied to Rulers of independent foreign States. Although their constitutional position is now very different, it is necessary to implement the assurances given to the Rulers of the integrated and merged States that they will continue to be entitled to all the personal privileges enjoyed by them, whether within or outside the territories of their respective States, before the 15th August, 1947. It is accordingly proposed in clause 12 of the Bill that sections 83 to 87 of the Code should be replaced by a revised set of provisions applicable to Rulers, Ambassadors and Envoys of foreign States and to certain members of their staff who are entitled to these diplomatic privileges and immunities, followed by a special provision on similar lines applicable to Rulers of the former Indian States." [Vide Statement of Objects and Reasons, printed in the Gazette of India, 1950, Part II-Sec 2, p. 569]

2. *Amendment of section 1, Act V of 1908.*—For sub-section (3) of section 1 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), the following shall be substituted, namely :—

"(3) It extends to the whole of India except—

(a) the Tribal Areas in the State of Assam ;

(b) save as hereinafter provided, the Scheduled Areas in the State of Madras ;

(c) the State of Jammu and Kashmir ; and

(d) the State of Manipur :

Provided that sections 36 to 43 and Order XXXIV in the First Schedule shall extend also to the Amindivi Islands and the East Godavari, West Godavari and Visakhapatnam Agencies in the State of Madras; and section 48 shall extend also to the said Agencies."

Notes

This section makes the Code applicable to the whole of India except certain areas. The State of Manipur has been excluded because of the provisions contained in the Part C States (Laws) Act, 1950 and an exception is made in respect of certain areas in Madras to preserve the existing position.

3. *Substitution of "India" for "the States" in Act V of 1908.*—In the said Code, unless otherwise expressly provided, for the words "the States" wherever they occur, the word "India" shall be substituted.

4. *Amendment of section 2, Act V of 1908.*—In section 2 of the said Code,—

(i) for clause (5), the following clause shall be substituted, namely:—

'(5) "foreign court" means a court situate outside India and not established or continued by the authority of the Central Government ;';

(ii) after clause (7), the following clauses shall be inserted, namely:—

'(7A) "High Court" in relation to the Andaman and Nicobar Islands, means the High Court in Calcutta ;

(7B) "India", except in sections 1, 29, 43, 44, 78, 79, 82, 83 and 87A, means the territory of India excluding the State of Jammu and Kashmir;' ;

(iii) Clause (21) shall be omitted.

5. *Amendment of section 7, Act V of 1908.*—In section 7 of the said Code, after the words "said Act or law" the words "or to courts in Part B States exercising a corresponding jurisdiction" shall be inserted.

6. *Substitution of new section for section 29, Act V of 1908.*—For section 29 of the said Code, the following section shall be substituted, namely :—

"29. *Service of foreign summonses.*—Summonses and other processes issued by—

(a) any civil or revenue court established in any part of India to which the provisions of this Code do not extend, or

(b) any civil or revenue court established or continued by the authority of the Central Government outside India, or

(c) any other civil or revenue court outside India to which the Central Government has, by notification in the Official Gazette declared the provisions of this section to apply,

may be sent to the courts in the territories to which this Code extends, and served as if they were summonses issued by such courts."

Notes

By the substitution of a new section for section 29, provision is being made for the service of summonses issued by courts both from those parts of India to which the Code does not extend and also from outside India.

7. *Amendment of section 35A, Act V of 1908.*—In the first proviso to sub-section (2) of section 35A of the said Code,—

(i) after the figures "1887" the words and letter "or under a corresponding law in force in a Part B State" shall be inserted ; and

(ii) for the words "under that Act" the words "under such Act or law" shall be substituted.

8. *Substitution of new section for section 43, Act V of 1908.*—For section 43 of the said Code, the following section shall be substituted, namely :—

"43. *Execution of decrees passed by civil courts in places to which this Code does not extend.*—Any decree passed by any civil court established in any part of India to which the provisions of this Code do not extend, or by any court established or continued by the authority of the Central Government outside India, may, if it cannot be executed within the jurisdiction of the court by which it was passed, be executed in the manner herein provided within the jurisdiction of any court in the territories to which this Code extends."

Notes

Section 43 will make decrees passed by courts situate in those parts of India to which the Code does not extend executable in India.

9. *Substitution of new section for section 44, Act V of 1908.*—For section 44 of the said Code, the following section shall be substituted, namely :—

"44. *Execution of decrees passed by revenue courts in places to which this Code does not extend.*—The State Government may, by notification in the Official Gazette, declare that the decrees of any revenue court in any part of India to which the provisions of this Code do not extend, or any class of such decrees, may be executed in the State as if they had been passed by courts in that State."

10. *Amendment of section 60, Act V of 1908.*—In clause (j) of section 60 of the Code, for the words and figures "the Indian Army Act, 1911, or the Burma Army Act", the words and figures "the Army Act, 1950" shall be substituted.

11. *Substitution of new section for section 78, Act V of 1908.*—For section 78 of the said Code, the following section shall be substituted, namely :—

"78. *Commissions issued by foreign courts.*—Subject to such conditions and limitations as may be prescribed, the provisions as to the execution and return of commissions for the examination of witnesses shall apply to commissions issued by or at the instance of—

(a) courts situate in any part of India to which the provisions of this Code do not extend ; or

(b) courts established or continued by the authority of the Central Government outside India ; or

(c) courts of any State or country outside India."

Notes

Commissions issued by courts outside the territories to which the Code extends are put on a par with decrees passed or summonses issued by such courts.

12. *Substitution of new sections 83 to 87B for sections 83 to 87, Act V of 1908.*—For the heading above section 83, and for sections 83 to 87, inclusive, of the said Code, the following shall be substituted namely :—

"SUITS BY ALIENS AND BY OR AGAINST FOREIGN RULERS, AMBASSADORS AND ENVOYS

83. *When aliens may sue.*—Alien enemies residing in India with the permission of the Central Government, and alien friends, may sue in any

court otherwise competent to try the suit, as if they were citizens of India, but alien enemies residing in India without such permission, or residing in a foreign country, shall not sue in any such court.

Explanation.—Every person residing in a foreign country, the Government of which is at war with India and carrying on business in that country without a licence in that behalf granted by the Central Government, shall, for the purpose of this section, be deemed to be an alien enemy residing in a foreign country.

84. *When foreign States may sue.*—A foreign State may sue in any competent court :

Provided that the object of the suit is to enforce a private right vested in the Ruler of such State or in any officer of such State in his public capacity.

85. *Persons specially appointed by Government to prosecute or defend on behalf of foreign Rulers.*—(1) The Central Government may, at the request of the Ruler of a foreign State or at the request of any person competent in the opinion of the Central Government to act on behalf of such Ruler, by order, appoint any persons to prosecute or defend any suit on behalf of such Ruler, and any persons so appointed shall be deemed to be the recognised agents by whom appearances, acts and applications under this Code may be made or done on behalf of such Ruler.

(2) An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of such Ruler.

(3) A person appointed under this section may authorise or appoint any other persons to make appearances and applications and do acts in any such suit or suits as if he were himself a party thereto.

86. *Suits against foreign Rulers, Ambassadors and Envoys.*—(1) No Ruler of a foreign State may be sued in any court otherwise competent to try the suit except with the consent of the Central Government certified in writing by a Secretary to that Government :

Provided that a person may, as a tenant of immovable property, sue without such consent as aforesaid a Ruler from whom he holds or claims to hold the property.

(2) Such consent may be given with respect to a specified suit or to several specified suits or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the court in which the Ruler may be sued, but it shall not be given, unless it appears to the Central Government that the Ruler—

(a) has instituted a suit in the court against the person desiring to sue him, or

(b) by himself or another, trades within the local limits of the jurisdiction of the court, or

(c) is in possession of immovable property situate within those limits and is to be sued with reference to such property or for money charged thereon, or

(d) has expressly or impliedly waived the privilege accorded to him by this section.

(3) No Ruler of a foreign State shall be arrested under this Code and, except with the consent of the Central Government certified in writing by a Secretary to that Government, no decree shall be executed against the property of any such Ruler.

(4) The preceding provisions of this section shall apply in relation to—

(a) any Ambassador or Envoy of a foreign State ;

(b) any High Commissioner of a Commonwealth country ; and

(c) any such member of the staff or retinue of the Ruler, Ambassador or Envoy of a foreign State or of the High Commissioner of a Commonwealth country as the Central Government may, by general or special order, specify in this behalf,

as they apply in relation to the Ruler of a foreign State.

87. *Style of foreign Rulers as parties to suits*—The Ruler of a foreign State may sue, and shall be sued, in the name of his State :

Provided that in giving the consent referred to in section 86, the Central Government may direct that the Ruler may be sued in the name of an agent or in any other name.

87A. *Definitions of "foreign State" and "Ruler"*.—(1) In this Part,—

(a) "foreign State" means any State outside India which has been recognised by the Central Government ; and

(b) "Ruler", in relation to a foreign State, means the person who is for the time being recognised by the Central Government to be the head of that State.

(2) Every court shall take judicial notice of the fact—

(a) that a State has or has not been recognised by the Central Government ;

(b) that a person has or has not been recognised by the Central Government to be the head of a State.

SUITS AGAINST RULERS OF FORMER INDIAN STATES.

87B. *Application of sections 85 and 86 to Rulers of former Indian States*—(1) The provisions of section 85 and of sub-sections (1) and (3) of section 86 shall apply in relation to the Rulers of any former Indian State as they apply in relation to the Ruler of a foreign State.

(2) In this section—

(a) "former Indian State" means any such Indian State as the Central Government may, by notification in the Official Gazette, specify for the purposes of this section ; and

(b) "Ruler", in relation to a former Indian State, means the person who, for the time being, is recognised by the President as the Ruler of that State for the purposes of the Constitution."

Notes

Section 83—Section 83, except for minor drafting changes, reproduces the provisions of section 83 as it stood.

Section 84—This section corresponds to section 84 as it stood, except that the rule of evidence in sub-section (2) has been removed to section 87A and made applicable to the whole Part.

Section 85—This section reproduces, except for minor or consequential changes, section 85 as it stood in the Civil Procedure Code.

Section 86—Section 86 corresponds to old section 86 but with two important changes, one enabling suits to be brought against foreign Rulers if they have no objection thereto, and the other providing for the application of that section to High Commissioners and to specified members of the staff of diplomatic missions

Section 87A—This section contains certain general definitions and rules of evidence.

Section 87B—This section provides for a notification of the Central Government listing the former Indian States, the Rulers of which are

entitled to the privileges under sections 85 and 86 (1) and (3).

13. *Amendment of section 92, Act V of 1908.*—In sub-section (2) of section 92 of the said Code, after the figures "1863" the words "or by any corresponding law in force in a Part B State" shall be inserted.

14. *Amendment of heading of Part IX and of section 116, Act V of 1908.*—In the heading of Part IX of the said Code, for the words "CHARTERED HIGH COURTS" the words and letters "HIGH COURTS FOR PART A STATES AND PART B STATES" shall be substituted, and in section 116 of the said Code, after the words and letter "Part A States" the words and letter "and Part B States" shall be inserted.

15. *Amendment of section 122, Act V of 1908.*—In section 122 of the said Code, after the words and letter "Part A States" the words and letter "and Part B States" shall be inserted.

16. *Amendment of section 123, Act V of 1908.*—In sub-section (2) of section 123 of the said Code,—

(i) for clauses (b) and (c), the following clause shall be substituted, namely:—

"(b) two legal practitioners enrolled in that Court", and

(ii) clauses (d) and (e) shall be re-lettered as clauses (c) and (d) respectively.

17. *Amendment of section 129, Act V of 1908.*—In section 129 of the said Code, after the words and letter "Part A State", the words and letter "or a Part B State" shall be inserted, and after the words "Letters Patent or order", the words "or other law" shall be inserted.

18. *Amendment of Order L, Act V of 1908.*—In rule 1 of Order L of the First Schedule to the said Code, after the words "said Act or law" the words and letter "or to courts in Part B States exercising a corresponding jurisdiction" shall be inserted.

19. *Special provisions explaining operation of Act IX of 1922.*—Notwithstanding anything contained in sub-section (2) of section 1 of the Civil Procedure (Amendment) Act, 1922 (IX of 1922), but without prejudice to any action taken thereunder by any Provincial Government or State Government before the date referred to in sub-section (2) of section 1 of this Act, the amendments made in the said Code by sections 2, 3 and 4 of the said Act shall, with effect from that date, become operative throughout the territories to which the said Code will then extend.

Notes

Act IX of 1922, which amended the Code of Civil Procedure, contained a provision authorising the State Government to bring the said Act into force on suitable dates. The Act was put into force in all Part A States, but the position with regard to a few Part C States was not certain. It was considered necessary to put the matter beyond doubt by stating that the Code as now extended to the whole of India except a few specified States is the Code as amended up to date, including the amendments made by Act IX of 1922.

20. *Repeals and savings.*—(1) If, immediately before the date on which the said Code comes into force in any Part B State, there is in force in that State any law corresponding to the said Code, that law shall on that date stand repealed:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions contained in sub-section (1), notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under any enactment hereby repealed shall, so far as they are consistent with the said Code, have the same force and effect as if they had been respectively published, made, appointed, filed, prescribed, framed and conferred under the said Code and by the authority empowered thereby in such behalf.

(3) In every law or notification passed or issued before the commencement of this Act in which reference is made to or to any Chapter or section of any law hereby repealed, such reference shall, so far as may be practicable, be taken to be made to the said Code or its corresponding Part, Order, section or rule.

Notes

This section Repeals all corresponding laws in force in Part B States to which the Code now extends, and contains the necessary saving provisions.

The Preventive Detention (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 22nd February, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Sec. 1, dated the 23rd February 1951.

Act No. IV of 1951

An Act further to amend the Preventive Detention Act, 1950

[*22nd February, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Preventive Detention (Amendment) Act, 1951.

Object —"The Preventive Detention Act, 1950 (IV of 1950) is due to expire on the 1st of April, 1951. Government have, after very careful examination, come to the conclusion that it is necessary to extend its life, for the present, for a period of one year. The primary reason for the enactment of this legislation was the necessity to protect the country against violent activities organised in secrecy and intended to produce chaos. These activities, though reduced in tempo, have not ceased, and Government consider it essential that the powers conferred by the Preventive Detention Act should be continued. The Act also enables Government to detain persons for reasons connected with the maintenance of essential supplies and services. With the deterioration in the food situation, the need for maintaining such supplies and services has become more pressing than ever.

Opportunity has been taken to liberalise the provisions regarding reference to Advisory Boards. Sections 9 and 12 of the Act which require such reference to be made only in a limited class of cases and provide for review by a judicial officer in the other cases, are sought to be modified so that a reference to Advisory Boards consisting of three persons will be compulsory in *all* cases of prevertive detention It is further proposed to make it clear that no person will be kept under detention unless upon such reference the Advisory Board reports within ten weeks of his detention that there is sufficient cause for detention.

Another important amendment which is proposed in the Bill is an express provision enabling Government to release detained persons on parole A few other minor amendments of a procedural or formal character are also proposed". (Vide Statement of Objects and Reasons, printed in the *Gazette of India*, Part II-Sec. 2, dated the 10th February 1951).

2. *Amendment of section 1, Act IV of 1950.*—In sub-section (3) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as "the said Act"), for the figures "1951" the figures "1952" shall be substituted.

3. *Amendment of section 2, Act IV of 1950.*—In section 2 of the said Act,—

(a) the word "and" at the end of clause (a) shall be omitted,

(b) at the end of clause (b) a semicolon and the word "and" shall be added, and

(c) after clause (b), the following clause shall be inserted, namely :—

'(c) "appropriate Government" means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government.'

4. *Amendment of section 3, Act IV of 1950.*—In sub section (2) of section 3 of the said Act, for clauses (c), (d) and (e), the following clauses shall be substituted, namely :—

"(c) the Commissioner of Police for Bombay, Calcutta, Madras or Hyderabad ;

(d) Collectors in the State of Hyderabad."

5. *Insertion of new section 3A in Act IV of 1950.*—After section 3 of the said Act, the following section shall be inserted, namely :—

"3A. *Execution of detention orders.*—A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1898 (Act V of 1898)."

6. *Substitution of new sections 4 and 5, Act IV of 1950.*—For sections 4 and 5 of the said Act, the following sections shall be substituted, namely :—

"4. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify ; and

(b) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government :

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

5. *Detention orders not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(b) that the place of detention of such person is outside the said limits."

7. *Amendment of section 7, Act IV of 1950.*—In sub-section (1) of section 7 of the said Act, for the words "against the order in a case where such order has been made by the Central Government, to that Government and in a case where it has been made by a State Government or an officer subordinate thereto to the State Government" the words against the order

to the appropriate Government" shall be substituted.

8. *Amendment of section 8, Act IV of 1950.*—In section 8 of the said Act,—

(i) in sub-section (2), for the word "two" the word "three" shall be substituted ; and

(ii) to sub-section (2), the following proviso shall be added, namely:—

"Provided that where, immediately before the commencement of the Preventive Detention (Amendment) Act, 1951, any reference under section 9 is pending before an Advisory Board, such Board may, for the purpose of disposing of that reference only, consist of two persons."

9. *Substitution of new section for section 9, Act IV of 1950.*—For section 9 of the said Act, the following section shall be substituted, namely :—

"9. *Reference to Advisory Boards.*—(1) In every case where a detention order has been made under this Act, the appropriate Government shall, within six weeks from the date specified in sub-section (2) place before an Advisory Board constituted by it under section 8 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer, also the report made by such officer under sub-section (3) of section 3.

(2) The date referred to in sub-section (1) shall be—

(a) in every case where at the commencement of the Preventive Detention (Amendment) Act, 1951, the person is under detention in pursuance of a detention order made under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (1) of section 3, the date of commencement of the said Act ; and

(b) in every other case the date of detention under the order."

10. *Amendment of section 10, Act IV of 1950.*—In section 10 of the said Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Advisory Board shall, after considering the materials placed before it and after calling for such further information, as it may deem necessary, from the appropriate Government or from the person concerned, and, if in any particular case it considers it essential, after hearing him in person, submit its report to the appropriate Government within ten weeks from the date specified in sub-section (2) of section 9";

(ii) after sub-section (2), the following sub section shall be inserted, namely :—

"(2A) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board."

11. *Substitution of new sections for sections 11 and 12, Act IV of 1950.*—For sections 11 and 12 of the said Act, the following sections shall be substituted, namely :—

"11. *Action upon the report of Advisory Board.*—(1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person; the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause

the person to be released forthwith.

12. *Validity and duration of detention in certain cases.*—For the avoidance of doubt it is hereby declared that—

(a) every detention order in force at the commencement of the Preventive Detention (Amendment) Act, 1951 shall continue in force and shall have effect as if it had been made under this Act as amended by the Preventive Detention (Amendment) Act, 1951 ; and

(b) nothing contained in sub-section (3) of section 1 or sub-section (2) of section 12 of this Act as originally enacted shall be deemed to affect the validity or duration of any such order."

12. *Insertion of new section 14 in Act IV of 1950.*—After section 13 of the said Act, the following section shall be inserted, namely :—

"14. *Temporary release of persons detained.*—(1) The appropriate Government may at any time direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof "

13. *Repeal of Act XLVIII of 1949.*—The Transfer of Detained Persons Act, 1949, is hereby repealed.

The Part B States (Laws) Act, 1951.

The following Act of Parliament received the assent of the President on the 22nd February, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 23rd February 1951.

Act No. III of 1951.

An Act to provide for the extension of certain laws to Part B States

[*22nd February, 1951*]

Be it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Part B States (Laws) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definition.*—In this Act, "appointed day" means the date on which this Act comes into force.

3. *Extension and amendment of certain Acts and Ordinances.*—The Acts and Ordinances specified in the Schedule shall be amended in the manner and to the extent therein specified, and the territorial extent of each of the said Acts and Ordinances shall, as from the appointed day and

in so far as any of the said Acts or Ordinances or any of the provisions contained therein relates to matters with respect to which Parliament has power to make laws, be as stated in the extent clause thereof as so amended.

4. *Construction of references to laws not in force in Part B States.*—Any reference in any Act or Ordinance specified in the Schedule to a law which is not in force in a Part B State shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

5. *Construction of references to authorities where new authorities have been constituted.*—Any reference, by whatever form of words, in any law for the time being in force in a Part B State to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in that State shall, where a corresponding new authority has been constituted by or under any Act or Ordinance now extended to that State, have effect as if it were a reference to that new authority

6. *Repeals and savings.*—If immediately before the appointed day, there is in force in any Part B State any law corresponding to any of the Acts or Ordinances now extended to that State, that law shall, save as otherwise expressly provided in the Act, stand repealed :

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, bye-or scheme framed, certificate obtained, patent, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act or Ordinance as now extended to that State, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Act or Ordinance.

7. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect in any Part B State to the provisions of any Act or Ordinance now extended to that State, the Central Government may, by order notified in the official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

(2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may—

(a) specify the corresponding authorities within the meaning of section 5 ;

(b) provide for the transfer of any matter pending before any court, tribunal or other authority, immediately before the appointed day,

to any corresponding court, tribunal or other authority for disposal;

(c) specify the areas or circumstances in which, or the extent to which or the conditions subject to which, anything done or any action taken (including any of the matters specified in the second proviso to section 6) under any law repealed by that section shall be recognised or given effect to under the corresponding provision of the Act or Ordinance as now extended.

THE SCHEDULE

(*See* section 3)

Acts

The Caste Disabilities Removal Act, 1850

(XXI of 1850)

Long title and preamble.—For "the territories subject to the Government of the East India Company" substitute "India".

Section 1—For "the territories subject to the Government of the East India Company" substitute "India" and for "in the courts of the East India Company and in the courts established by Royal Charter within the said territories" substitute "in any court".

After section 1, add the following section, namely :—

"2 *Short title and extent.*—(1) This Act may be called the Caste Disabilities Removal Act, 1850.

(2) It extends to the whole of India except the State of Jammu and Kashmir."

The Indian Fatal Accidents Act, 1855

(XIII of 1855)

Renumber section 1 as section 1A and before section 1A, as renumbered, insert the following, namely :—

"1. *Short title and extent.*—(1) This Act may be called the Fatal Accidents Act, 1855.

(2) It extends to the whole of India except the State of Jammu and Kashmir."

The Indian Penal Code

(Act XLV of 1860)

Throughout the Code, unless otherwise expressly provided, for "the States" substitute "India".

Preamble—For "the whole of India except Part B States" substitute "India".

Section 1—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 17—Omit "Part A".

For *section 18*, substitute :—

'18. *India*—"India" means the territory of India excluding the State of Jammu and Kashmir.'

Section 76—Omit "or" at the end of clause (a) and omit clause (b).

Section 124.—For "Governor" wherever it occurs substitute "Governor or Rajpramukh."

Section 131—In the *Explanation*, for "the Indian Army Act, 1911" and "the Indian Air Force Act, 1932" substitute "the Army Act, 1950" and "the Air Force Act, 1950", respectively.

Section 139.—For "the Indian Army Act, 1911" and "the Indian Air Force Act, 1932" substitute "the Army Act, 1950" and "the Air Force Act, 1950", respectively

Section 216.—Omit "or under the Fugitive Offenders Act, 1881".

Section 294A.—For "a lottery organized by the Central Government or the Government of a Part A State or a Part B State" substitute "a State lottery".

Section 366B.—After "any country outside India" insert "or from the State of Jammu and Kashmir" and omit the words beginning with "and whoever with such intent or knowledge" and ending with "or by another person".

The Press and Registration of Books Act, 1867

(XXV of 1867)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Long title and preamble.—For "the whole of India except Part B States" substitute "India".

Section 1.—(1) After the definition of "editor", insert :—

' "India" means the territory of India excluding the State of Jammu and Kashmir'.

(2) Omit the definition of "States".

The Indian Divorce Act, 1869

(IV of 1869)

Long title.—Omit "in India".

Section 2.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—(1) In item (a) of clause (1), for "Part A State" substitute "Part A State or Part B State".

(2) In item (b), for "Ajmer" substitute "Ajmer and Vindhya Pradesh".

(2) After item (f), insert the following, namely :—

"(ff) in relation to Manipur and Tripura, the High Court of Assam".

Section 17A—For "The State Government of any State within which any High Court established by Letters Patent exercises jurisdiction" substitute "The Government of the State within which any High Court exercises jurisdiction" and omit the second paragraph.

The Indian Evidence Act, 1872

(I of 1872)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For the definitions of "State" and "States" substitute :—

' "India" means the territory of India excluding the State of Jammu and Kashmir'.

Section 37.—For "an Act of the Legislature of a Part A State or a Part C State" substitute "a State Act".

Section 79.—For "in a Part B State" substitute "in the State of Jammu and Kashmir".

Section 86 —(1) In the first paragraph—

(a) omit "a Part B State or of";

(b) for "such Part B State or country" substitute "such country" ;

(c) for "that State or country" substitute "that country".

(2) In the second paragraph, omit "a Part B State or" and for "in and for that Part B State or country" substitute "in and for the country".

The Special Marriage Act, 1872
(III of 1872)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Contract Act, 1872
(IX of 1872)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 10.—For "Part A States and Part C States" substitute "India".

The Indian Christian Marriage Act, 1872
(XV of 1872)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the States of Travancore-Cochin, Manipur and Jammu and Kashmir".

For the definition of "India" substitute :—

"'India" means the territory comprised in the States to which this Act extends'.

Section 5—For "Part A States and Part C States" substitute "India".

Section 27—For "a Part A State or a Part C State" substitute "India".

The Government Savings Banks Act, 1873
(V of 1873)

Section 1—For "except Part B States" substitute "except the State of Jammu and Kashmir".

After section 1, insert the following as section 2 :—

"2. *Act not to apply to deposits in Anchal Savings Bank.*—This Act shall not apply to any deposits made in the Anchal Savings Bank of the State of Travancore-Cochin, and, notwithstanding anything contained in this Act, any law in force in the said State immediately before the commencement of the Part B States (Laws) Act, 1951, relating to such deposits, hall continue to apply thereto as if that law had not been repealed."

The Indian Oaths Act, 1873
(X of 1873)

Section 1.—For "except Part B States" substitute "except the States of Manipur and Jammu and Kashmir".

Section 4.—In clause (2) of the proviso, omit "in Part A States and Part C States".

The Foreign Recruiting Act, 1874
(IV of 1874)

Long title, preamble and section 3—For "Part A States and Part C States" substitute "India".

Section 1.—Omit "except Part B States".

The Indian Majority Act, 1875
(IX of 1875)

Preamble and section 3.—For "Part A States and Part C States" substitute "India".

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 4—In *Illustrations* (a) and (b), for "a domicile in a Part A State or a Part C State" substitute "an Indian domicile", and in all the *Illustrations* for "a Part A State or a Part C State" substitute "India".

The Indian Law Reports Act, 1875
(XVIII of 1875)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For "decided on or after the said day by any High Court for a Part A State" substitute "decided by any High Court for a Part A State or a Part B State".

The Specific Relief Act, 1877
(I of 1877)

Section 1—For "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Arms Act, 1878
(XI of 1878)

Section 1.—Omit "except Part B States".

Section 4 - In the definition of "military stores", for "the States" substitute "India" and omit the definition of "States".

Sections 6, 10, 27 and 29.—For "the States" substitute "India".

Section 11.—For "the States", where they first occur, substitute "India", and omit "or between the States and any other part of India".

Section 18.—For "States" substitute "India".

The Legal Practitioners Act, 1879
(XVIII of 1879)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Sections 4 and 5.—For "Part A States and Part C States" substitute "the territories to which this Act extends".

The Kazis Act, 1880
(XII of 1880)

Section 1.—For "But the Government of any other Part A State or the Government of a Part C State" substitute "But the Government of any other State".

The Negotiable Instruments Act, 1881.
(XXVI of 1881)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For the definitions of "State" and "States", substitute :—

' "India" means the territory of India excluding the State of Jammu and Kashmir'.

Sections 20, 136 and 137.—For "the States" substitute "India".

Section 75B —In the *Explanation*, for "the States" and "any of the States" substitute "India".

Sections 134 and 135.—In the *Illustrations*, for "the States" substitute "India".

Section 137.—For "Part B State" substitute "the State of Jammu and Kashmir".

The Indian Trusts Act, 1882
(II of 1882)

Section 1 – For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 20.—(1) In clause (d), for "Act of the Legislature of a Part A State" substitute "State Act".

(2) In clause (e), for "a Part A State or a Part C State" substitute "any part of the territories to which this Act extends".

The Transfer of Property Act, 1882
(IV of 1882)

Section 1.—In the fourth paragraph, for "Bombay, Punjab or Delhi" substitute "the said States".

Section 3.—In the definition of "registered", for "a Part A State or a Part C State" substitute "any State to which this Act extends".

Section 52.—For "within the limits of Part A States and Part C States" substitute "within the limits of India excluding the State of Jammu and Kashmir".

The Powers-of-Attorney Act, 1882
(VII of 1882)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Explosives Act, 1884
(IV of 1884)

Section 1.—In sub-section (2), omit "except Part B States".

Sections 4 and 5.—For "Part A States and Part C States" substitute "India".

The Indian Telegraph Act, 1885
(XIII of 1885)

Section 1.—Omit "except the State of Hyderabad".

Section 3.—Omit clause (8).

Omit section 35.

The Police Act, 1888
(III of 1888)

Section 1.—For sub-section (2), substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and to the extent to which its provisions relate to the extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State, it extends also to the State of Jammu and Kashmir."

Omit section 1A.

The Indian Merchandise Marks Act, 1889
(IV of 1889)

Throughout the Act, unless otherwise expressly provided for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—For clause (6), substitute :—

'(6) "India" means the territory of India, excluding the State of Jammu and Kashmir'

The Charitable Endowments Act, 1890
(VI of 1890)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Guardians and Wards Act, 1890
(VIII of 1890)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—For "Part A States and Part C States" where they first occur, substitute "any State to which this Act extends" and omit "established in Part A States and Part C States".

Section 4.—Omit clause (7).

Omit section 5.

Section 6.—Omit "who is not an European British subject".

Section 11.—For "a Part A State or a Part C State" substitute "any State to which this Act extends".

Section 15.—Omit sub-sections (2) and (3).

Section 17.—Omit sub-section (4).

Section 19.—In clause (b) omit "subject to the provisions of this Act with respect to European British subjects".

The Indian Railways Act, 1890.

(IX of 1890)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

Section 47.—In sub-section (1), for "any State Government or the Government of any Part B State" substitute "or a State Government".

Section 59.—In sub-section (5), for "the Indian Territorial Force or of the Auxiliary Force, India" substitute "the Territorial Army or of the National Cadet Corps".

Omit section 144.

The Bankers Books Evidence Act, 1891.

(XVIII of 1891)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Partition Act, 1893.

(IV of 1893)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Livestock Importation Act, 1898.

(IX of 1898)

Section 1.—For sub-section (2) substitute :—

"(2) It extends to all Part A States, Part C States and the States of Saurashtra and Travancore-Cochin."

The Indian Tolls (Army and Air Force) Act, 1901.

(II of 1901)

Section 1.—In sub-section (2), omit "except Part B States".

Section 2.—(1) For clause (d), substitute :—

'(d) the expression "the regular forces" means "the regular Army" as defined in clause (xxi) of section 3 of the Army Act, 1950 (XLVI of 1950), and includes the "Air Force", as defined in clause (iv) of section 4 of the Air Force Act, 1950 (XLV of 1950);'.

(2) In clause (f), for "the Auxiliary Force (India) or the Indian Territorial Force" substitute "the Territorial Army or the National Cadet Corps".

(3) In clause (g), for "Indian Regular Reserve of Officers" substitute "Regular Reserve of Officers".

Section 3.—(1) In clause (b), for "the Auxiliary Force (India) or of the Indian Territorial Force" substitute "the Territorial Army or of the National Cadet Corps".

(2) For clause (d) (ii), substitute :—

"(ii) the Territorial Army or the National Cadet Corps".

(3) For "a Part A State or a Part C State" substitute "India".

The Ancient Monuments Preservation Act, 1904.

(VII of 1904)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 17.—For "the territories for the time being comprised within

Part A States and Part C States" substitute "the territories to which this Act extends".

The Indian Coinage Act, 1906.
(III of 1906)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 23.—For "the States" substitute "the territories to which this Act extends".

After section 3, insert the following, namely :—

"24. *Temporary provisions with respect to certain Part B States' coins.*—Notwithstanding anything in section 6 of the Part B States (Laws) Act, 1951, coins of such description as at the commencement of the said Act were in circulation as legal tender in any Part B State shall continue to be legal tender in that State to the like extent and subject to the same conditions as immediately before the commencement of the said Act for such period, not exceeding two years from such commencement, as the Central Government may, by notification in the Official, determine."

The Explosive Substances Act, 1908.
(VI of 1908)

Section 1.—In sub-section (2), omit "except Part B States" and for "wherever they may be" substitute "outside India".

Section 4.—For "a Part A or a Part C State" and "any such State" substitute "India".

The Indian Limitation Act, 1908.
(IX of 1908)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India"

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(1) In clause (6), for "any Part B State" substitute "the State of Jammu and Kashmir".

(2) For clause (9A) substitute :—

'(9A) "India" means the territory of India excluding the State of Jammu and Kashmir'

After section 29, insert :—

"30. *Provision for States for which the period prescribed is shorter than that prescribed by any law previously in force in a Part B State.*—Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by any law corresponding to this Act in force in a Part B State which is repealed by the Part B States (Laws) Act, 1951, may be instituted within the period of two years next after the coming into force of this Act in that Part B State or within the period prescribed for such suit by such corresponding law, whichever period expires first."

The Indian Ports Act, 1908
(XV of 1908)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 3.—Omit clause (10).

The Indian Registration Act, 1908
(XVI of 1908)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—For sub-section (2), substitute the following, namely :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir :

Provided that the State Government may exclude any districts or tracts of country from its operation".

Section 2.—(1) After clause (6), insert :—

'(6A) "India" means the territory of India excluding the State of Jammu and Kashmir".

(2) Omit clause (11).

Section 33.—(1) In clause (b) of sub-section (1), for "resides in any other part of the States" substitute "resides in any part of India in which this Act is not in force".

(2) After sub-section (1), insert the following *Explanation*, namely :—

'*Explanation.*—In this sub-section, "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (X of 1897)'

The Indian Electricity Act, 1910

(IX of 1910)

Section 1.—In sub section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 35.—For sub-section (1), substitute :—

"(1) The Central Government may, for the whole or any part of the territories to which this Act extends, and each State Government may, for the whole or any part of the State, by notification in the Official Gazette, constitute an Advisory Board".

Section 36A.—In sub section (2),—

(i) for "thirteen" substitute "twenty" ;

(ii) for clause (b) substitute :—

"(b) one member to be nominated by the Government of each of the States to which this Act extends".

Section 37.—For "the territories for the time being comprised within Part A States and Part C States or any part of such territories" substitute "the whole or any part of the territories to which this Act extends".

The Indian Patents and Designs Act, 1911.

(II of 1911)

Section 2.—In clause (7)—

(i) in item b), for "Ajmer" substitute "Ajmer and Vindhya Pradesh";

(ii) in item (c), omit "and Vindhya Pradesh".

Omit section 2A.

After section 79, insert the following as section 80, namely :—

"80. *Repeals and savings.*—(1) If immediately before the 18th day of April, 1950, there was in force in any Part B State to which this Act extends any law corresponding to this Act, that corresponding law shall be deemed to have been repealed on the date aforesaid :

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted,

continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not come into force in the Part B State concerned :

Provided further that, subject to the preceding proviso, anything done or any action taken, including any patent, permit or licence granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of this Act as now extended to that State and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(2) Nothing contained in section 6 of the Part B States (Laws) Act, 1951, shall have effect in relation to this Act."

The Indian Lunacy Act, 1912
(IV of 1912)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—(1) After clause (4) insert (4A) :—

'(4A) "India" means the territory of India excluding the State of Jammu and Kashmir'.

(2) Omit clause (13).

Section 91.—In clause (a) of sub-section (1), omit "for a Part A State".

The Official Trustees Act, 1913
(II of 1913)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(1) In clause (1) for "Part A State" substitute "Part A State or a Part B State".

(2) In clause (2)—

(i) in item (a), for "Part A State" substitute "Part A State or a Part B State" ;

(ii) in item (b), for "Ajmer" substitute "Ajmer and Vindhya Pradesh" ;

(iii) after item (g), insert :—

"(h) in relation to Manipur and Tripura, the High Court of Assam".

The Administrator General's Act, 1913
(III of 1913)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir"

Section 2.—(1) For clause (3) substitute :—

'(3) "Government" or "the Government" means, in relation to any State, the State Government'.

(2) In clause (12)—

(i) in item (a), for "Part A State" substitute "Part A or a Part B State".

(ii) in item (b), for "Ajmer" substitute "Ajmer and Vindhya Pradesh";

(iii) after item (g), insert :—

"(h) in relation to Manipur and Tripura, the High Court of Assam".

Sections 15 and 16.—For "the Indian Army Act, 1911 (VIII of 1911), or the Indian Air Force Act, 1932 (XIV of 1932)", substitute "the Army and Air Forces (Disposal of Private Property) Act, 1950 (XL of 1950)".

Section 17.—(a) For "the Indian Army Act, 1911" and "the Indian Air Force Act, 1932", substitute "the Army and Air Force (Disposal of Private) Property Act, 1950 (XL of 1950)".

(b) For "an Indian Commissioned officer" and "Indian Air Force", substitute " a commissioned officer" and "Air Force", respectively.

Section 38.—For " a Part A or a Part C State " substitute " any State to which this Act extends " and for " India or in a Part B State " substitute "India or in the State of Jammu and Kashmir".

Section 67.—For "the territories comprised within Part A States and Part C States", substitute "the territories to which this Act extends".

Section 69A —Omit sub-section (2).

The Indian Companies Act, 1913.
(VII of 1913)

Throughout the Act, unless otherwise expressly provided, for " the States", substitute "India".

Section 1.—In sub section (3), for "except Part B States" substitute "except the State of Jammu and Kashmir"

Section 2.—(1) After clause (7), insert :—

'(7A) "India" means the territory of India excluding the State of Jammu and Kashmir.'

( ) Omit clause (16A).

After section 2A, insert :—

"2B. *Provisions as to companies registered in Part B States before commencement of Part B States (Laws) Act, 1951*—Notwithstanding anything contained in this Act or in any other law for the time being in force, a company registered under any law corresponding to this Act in force in a Part B State immediately before the commencement of the Part B States (Laws) Act, 1951, shall be deemed for the purposes of this Act to be a company incorporated and registered under this Act :

Provided that the Central Government may, by notification in the Official Gazette, except any such company from any of the obligations imposed on companies by this Act for such period or periods not exceeding one year in the aggregate as it may think fit."

Section 144 —After sub-section (1) insert :—

"(2) Notwithstanding anything contained in sub-section (1) but subject to the provisions of rules made under sub-section (2A), the holder of a certificate granted under a law in force in the whole or any portion of a Part B State immediately before the commencement of the Part B States (Laws) Act, 1951, entitling him to act as an auditor of companies in that State or any portion thereof shall be entitled to be appointed to act as an auditor of companies registered anywhere in that State

(2A) The Central Government may, by notification in the Official Gazette, make rules providing for the grant, renewal, suspension or cancellation of auditors' certificates to persons in Part B States for the purposes of sub-section (2), and prescribing conditions and restrictions for such grant, renewal, suspension or cancellation."

Section 245.—After sub-section (1), insert :—

'*Explanation.*—In this sub section "India" includes the State of Jammu and Kashmir'.

The Destructive Insects and Pests Act, 1914
(II of 1914)

Long title.—For "Part A States and Part C States", substitute "India"

Preamble.—For "the territories comprised within Part A States and

Part C States (hereinafter in this Act referred to as the said territories) " substitute "India"

Section 1.—Renumber section 1 as sub-section (1) of that sub-section and after sub-section (1) as so renumbered, insert :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir."

Section 2.—For clause (d), substitute :—

'(d) "India" means the territory of India excluding the State of Jammu and Kashmir.'

Section 3.—In sub-section (1), for "the said territories" substitute "India".

Section 4C.—(a) For "any Part B State" substitute "the State of Jammu and Kashmir".

(b) For " the said territories ", wherever they occur, substitute " India ".

(c) For " such Part B State" substitute "the said State".

Section 5A.—For "from the States to a Part B State" substitute "from India to the State of Jammu and Kashmir".

The Indian Copyright Act, 1914

(III of 1914)

Throughout the Act, unless otherwise expressly provided, for "the States " substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) After clause (1), insert :—

'(1A) "India" means the territory of India excluding the State of Jammu and Kashmir.'

Omit clause (3).

The Cinematograph Act, 1918

(II of 1918)

Section 1.—In sub-section (2), omit "Hyderabad and".

The Charitable Religious Trusts Act, 1920

(XIV of 1920)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

The Indian Red Cross Society Act, 1920

(XV of 1920)

Section 1.—For sub-section (2) substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and to the extent to which its provisions relate to any matter in respect of which Parliament has power to make laws for that State, it extends also to that State."

The Indian Passport Act, 1920

(XXXIV of 1920)

Section 1.—In sub-section (2), omit "excluding the State of Hyderabad ".

Omit section 6

The Maintenance Orders Enforcement Act, 1921

(XVIII of 1921)

Throughout the Act, unless otherwise expressly provided, for " the State " substitute "India".

Long title and preamble.—For "Part A States and Part C States" substitute "India" ; and omit "any Part B States or".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) after the definition of dependants" insert :—

' "India means the territory of India excluding the State of Jammu and Kashmir ;' ;

(b) omit the definition of "States."

Section 3.—In sub-section (2), omit " or in respect of any Part B State" and "or State".

The Indian Mines Act, 1923

(IV of 1923)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—In clause (i), for "an Act of the Legislature of a Part A State" substitute "a State Act."

The Indian Boilers Act, 1923

(V of 1923)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 27A.—In sub-section (2),—

(a) for "twelve" substitute "nineteen";

(b) in clause (b), for "of each Part A State" substitute "of each Part A State or Part B State".

The Workmen's Compensation Act, 1923

(VIII of 1923)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In clause (i) of sub section (1), for "Part A State" substitute "Part A State or Part B State".

Section 15.—In sub-section (4), omit " in Part A States and Part C States."

Section 35.—In sub-section (1),—

(a) omit "to any Part B State or";

(b) for "such State, part or country" substitute " such part or country ";

(c) for "a Part A State or Part C State" in both the places where they occur, substitute "any State"; and

(d) omit "in any Part B State".

The Indian Cotton Cess Act, 1923

(XIV of 1923)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In clause (c), for "the Indian Factories Act, 1911" substitute "the Factories Act, 1948".

Section 3.—In sub-sections (1) and (2), for "territories comprised within Part A States and Part C States" substitute "territories to which this Act extends".

Section 4.—In clause (i) for "Imperial Council of Agricultural Research" substitute "Indian Council of Agricultural Research".

The Indian Official Secrets Act, 1923

(XIX of 1923)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—For sub-section (2) substitute :—

"(2) It extends to the whole of India and applies also to servants of the Government and to citizens of India outside India."

Section 2.—Omit clause (9A).

The Indian Soldiers (Litigation) Act, 1925
(IV of 1925)

Section 1.—In sub-section (2), for "except Part B States" substitute except the State of Jammu and Kashmir".

Section 2.—In clause (b), for "the Indian Army Act, 1911 (VIII of 1911), or the Indian Air Force Act, 1932 (XIV of 1932)" substitute "the Army Act, 1950 (XLVI of 1950), or the Air Force Act, 1950 (XLV of 1950).

The Cotton Ginning and Pressing Factories Act, 1925
(XII of 1925)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 12.—For "Part A States and Part C States" substitute "the territories to which this Act extends".

The Provident Funds Act, 1925
(XIX of 1925)

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In sub-clause (i) of clause (f), for "a Part A State or a Part C State" substitute "any part of India".

The Indian Succession Act, 1925
(XXXIX of 1925)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 2.—(a) after clause (c) insert :—

'(cc) "India" means the territory of India excluding the State of Jammu and Kashmir ;';

(b) for clause (g) substitute :—

'(g) "State" includes any division of India having a court of the last resort ;'.

Section 382.—For section 382 substitute :—

"382. *Effect of certificate granted or extended by Indian representative in foreign State and in certain other cases.*—Where a certificate in the form, as nearly as circumstances admit, of Schedule VIII has been granted to a resident within a foreign State by the Indian representative accredited to that State or before the commencement of the Part B States (Laws) Act, 1951, to a resident within a Part B State by a district Judge of that State or where a certificate so granted has been extended in such form by the Indian representative or before the commencement of the said Act by such Judge, the certificate shall, when stamped in accordance with the provisions of the Court-fees Act, 1870, with respect to certificates under this Part have the same effect in India as a certificate granted or extended under this Part."

The Indian Trade Unions Act, 1926.
(XVI of 1926)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Legal Practitioners (Fees) Act, 1926
(XXXI of 1926)

Section 1.—In sub-section (2), for "except Part B States" substitute

"except the State of Jammu and Kashmir".

The Indian Bar Councils Act, 1926
(XXXVIII of 1926)

Section 1.—For sub-section (2) substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and shall apply to the High Court of every Part A State and of every Part B State other than the State of Jammu and Kashmir and also to such Judicial Commissioners' Courts in Part C States as the Central Government may, by notification in the official Gazette, declare to be High Courts to which this Act applies."

Section 8.—In the proviso to sub-section (4), omit "and King's Counsel shall have pre-audience over all Advocates except the Advocate-General".

The Child Marriage Restraint Act, 1929
(XIX of 1929)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Sale of Goods Act, 1930
(III of 1930)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Lac Cess Act, 1930
(XXIV of 1930)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—Omit "in a Part A State or a Part C State".

The Indian Partnership Act, 1932
(IX of 1932)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 69.—In clause (a) of sub-section (4), for "Part A States and Part C States" substitute "the territories to which this Act extends" ; and for "such States" substitute "the said territories".

The Tea Districts Emigrant Labour Act, 1932
(XXII of 1932)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) for clause (c) substitute :—

'(c) "recruiting State" means any State other than Assam;' ;

(b) in clause (f), omit "or in any Part B State" ; and for "any part of any Part A State or Part C State" substitute "any part of the territories to which this Act extends".

The Children (Pledging of Labour) Act, 1933
(II of 1933)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Indian Wireless Telegraphy Act, 1933
(XVII of 1933)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Indian Dock Labourers Act, 1934
(XIX of 1934)

Section 1.—In sub-section (2), omit "except Part B States",

The Indian Carriage by Air Act, 1934
(XX of 1934)

Section 1.—In sub-section (2), omit "except Part B States".

Section 2 and 3.—For "Part A States and Part C States" substitute "India".

Second Schedule.—In paragraphs 2 and 4, for "the States" substitute "India".

The Indian Aircraft Act, 1934
(XXII of 1934)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Petroleum Act, 1934
(XXX of 1934)

Section 1,—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—(a) for clause (d) substitute :—

'(d) "to transport petroleum" means to move petroleum from one place to another in the territories to which this Act extends, and includes moving from one place to another in the said territories by sea or across territory in India to which this Act does not extend ;';

(b) in clause (e), for "the States" substitute "the territories to which this Act extends" ;

(c) omit clause (i).

The Indian Navy (Discipline) Act, 1934
(XXXIV of 1934)

Section 67.—For "any Part A State or Part C State" substitute "India".

Section 70.—For "a Part A State" substitute "India".

Section 80.—For "Part A States and Part C States" substitute "India".

The Parsi Marriage and Divorce Act, 1936
(III of 1936)

Section 1.—In sub-section (2), for "It extends to the whole of India except Part B States and, in respect of Parsi citizens of India, to the whole of India" substitute "It extends to the whole of India except the State of Jammu and Kashmir".

Section 29.—In sub-sections (2) and (3), for "Part A States and Part C States" substitute "the territories to which this Act extends".

The Payment of Wages Act, 1936
(IV of 1936)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Agricultural Produce (Grading and Marking) Act, 1937
(I of 1937)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Arbitration (Protocol and Convention) Act, 1937
(VI of 1937)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), omit "except Part B States".

Section 2.—Omit "(1) 'States' means the territories for the time being comprised within Part A States and Part C States ; and (2)".

The Manoeuvres, Field Firing and Artillery Practice Act, 1938
(V of 1938)

Section 1.—In sub-section (2), omit "except Part B States".

The Criminal Law Amendment Act, 1938.
(XX of 1938)

Section 1.—In sub-section (2), omit "except Part B States".

The Employers' Liability Act, 1938.
(XXIV of 1938)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Employment of Children Act, 1938
(XXVI of 1938)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Motor Vehicles Act, 1939
(IV of 1939)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—(a) In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

(b) for sub-section (3), substitute :—

"(3) Chapter VIII shall not have effect in any Part B State to which this Act extends until the Central Government, by notification in the Official Gazette, so directs, and notwithstanding the repeal by section 6 of the Part B States (Laws) Act, 1951, of any law in force in that State corresponding to the Motor Vehicles Act, 1939, the corresponding law, in so far as it requires or relates to the insurance of motor vehicles against third party risks, shall, until Chapter VIII takes effect in that State, have effect as if enacted in this Act".

Section 2.—(a) After clause 9, insert :—

'(9A) "India" means the territories to which this Act extends';

(b) omit clause (29A).

Section 9.—(a) In sub-section (2), for "in any Part B State", substitute "in the State of Jammu and Kashmir" ;

(b) in sub-section (4)—

(i) for "any Part B State or" substitute "the State of Jammu and Kashmir or any" and

(ii) for "in any State" and "in any such State" substitute "in the State".

Section 28.—(a) In sub-section (2), for "any Part B State" substitute "the State of Jammu and Kashmir" ;

(b) in sub-section (5),—

(i) for "any Part B State or" substitute "the State of Jammu and Kashmir or any" ;

(ii) for "registration in such State" and "registration in any State" substitute "registration in the State" ; and

(iii) for "issued in any such State" substitute "issued in the State".

Section 42.—In sub-section (3),—

(i) in clause (a), for "the Government of a Part A State" substitute "a State Government" ;

(ii) in clause (h), for "any Part B State or" substitute "the State of Jammu and Kashmir or any".

Section 133.—For "the Legislature of a Part A State" substitute "the State Legislature".

The Sixth Schedule.—For the table, substitute the following : –

"Assam	AS
Bihar	BR
Bombay	BM, BY
Madhya Pradesh	CP, MP
Madras	MD, MS
Orissa	OR
Punjab	PN
Uttar Pradesh	UP, US
West Bengal	WB, WG
Hyderabad	HT, HY
Madhya Bharat	MB
Mysore	MY
Patiala and East Punjab States Union	PU
Rajasthan	RJ
Saurashtra	SS
Travancore-Cochin	TC
Ajmer	AJ
Bhopal	BS
Bilaspur	BL
Coorg	CG
Delhi	DL
Himachal Pradesh	HI
Kutch	KH
Manipur	MN
Tripura	TR
Vindhya Pradesh	VP
Andaman and Nicobar Islands	AN"

The Indian Naval Reserve Forces (Discipline) Act, 1939

(Governor-General's Act)

Section 1.—In sub-section (2), omit except Part B States."

The Standards of Weight Act, 1939

(IX of 1939)

Section 1.—In sub-section (2), or "except Part B States" substitute "except the State of Jummu and Kashmir."

Section 4.—In sub-section (3), omit "Part B State or."

The Registration of Foreigners Act, 1939

(XVI of 1939)

Section 1.—In sub-section (2), omit "except the State of Hyderabad."

Section 2.—Omit clause (aa).

Omit section 9.

The Coal Mines Safety (Stowing) Act, 1939

(XIX of 1939)

Section 1.—For "except Part B States and the States of" substitute "except the State of Jammu and Kashmir."

Section 3.—In sub-section (3), for "in the territories for the time being comprised in Part A States and Part C States" substitute "the territories to which this Act extends."

Section 6.—For "imported into the said territories from any foreign country or brought into the said territories from a Part B State" substitute "imported into the said territories from any place outside the said territories."

The Trade Marks Act, 1940
(V of 1940)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India."

Section 1.—For "except Part B States" substitute "except the State of Jammu and Kashmir."

Section 2.—(a) for clause (d) substitute:—

'(d) "High Court" means—

(i) in relation to a Part A State or a Part B State, the High Court for that State;

(ii) in relation to Ajmer and Vindhya Pradesh, the High Court at Allahabad;

(iii) in relation to Bhopal, the High Court at Nagpur;

(iv) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(v) in relation to Coorg, the High Court at Madras;

(vi) in relation to Cutch, the High Court at Bombay;

(vii) in relation to Manipur and Tripura, the High Court of Assam; and

(viii) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta;

(dd) "India" means the territory of India excluding the State of Jammu and Kashmir;';

(b) omit clause (kk).

Section 10.—For "and either already on the register or already registered in any Part B State to which section 82A for the time being applies" substitute "and already on the register."

Section 19.—Omit "under this Act or from the register of trade marks in any Part B State to which section 82A for the time being applies."

Section 21.—Omit sub-section (2).

Section 22.—In sub-section (3), omit "or in any Part B State to which Section 82A for the time being applies."

Section 23.—Omit "or in any Part B State to which section 82A for the time being applies."

Section 46.—Omit the *Explanation* after sub-section (2).

Section 57. Omit sub-section (2).

Section 58.—In sub-section (3), omit "or in any Part B State to which section 82A for the time being applies."

Section 68.—(a) in clauses (a) and (c) of sub-section (3), omit "a Part B State or of."

(b) in sub-section (4), omit clause (b).

Omit section 82-A.

Section 84.—In clause (11) of sub-section (2), omit "entered into with a Part B State."

The Arbitration Act, 1940
(X of 1940)

Section 1.—In sub-section (2), for "except Part B State" substitute "except the State of Jammu and Kashmir."

The Drugs Act, 1940
(XXIII of 1940)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India."

Section 1:—In sub-section (2), for "except Part B States" substitute

"except the State of Jammu and Kashmir."

Section 3.—(1) After clause (b), insert:—

'(bb) "India" means the territory of India excluding the State of Jammu and Kashmir'.

(2) Omit clause (f).

The Agricultural Produce Cess Act, 1940

(XXVII of 1940)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

Section 3.—In sub-section (1), for "the territories for the time being comprised within Part A States and Part C States" substitute "the territories to which this Act extends."

The Mines Maternity Benefit Act, 1941

(XIX of 1941)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

The Railways (Local Authorities' Taxation) Act, 1941

(XXV of 1941)

Long title and preamble.—For "Part A State" substitute "State."

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

The Coffee Market Expansion Act, 1942

(VII of 1942)

Throughout the Act, unless otherwise expressly provided, for the "States" substitute "India."

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

Section 3. (a) after clause (f), insert:—

'(ff) "India" means the territory of India excluding the State of Jammu and Kashmir;';

(b) omit clause (ll).

Section 20.—For "to a Part B State" substitute "to the State of Jammu and Kashmir."

The Weekly Holidays Act, 1942

(XVIII of 1942)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

The Industrial Statistics Act, 1942

(XIX of 1942)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

The Reciprocity Act, 1943

(IX of 1943)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India."

Long, title and preamble.—Omit "certain parts of."

Section 1.—In sub-section (2), omit "except Part B States."

Section 2.—Omit clause (c).

The Indian Coconut Committee Act, 1944

(X of 1944)

Section 1. In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

Section 3. - For "the States" where that expression first occurs, substitute "the territories to which this Act extends"; and for that expression

where it next occurs, substitute "the said territories."

The Indian Oilseeds Committee Act, 1946

(IX of 1946)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

The Protective Duties Act, 1946

(XVII of 1946)

Preamble.—For "Part A States and Part C States" where that expression first occurs, substitute "the territories to which this Act extends"; and for that expression where it next occurs, substitute "the said territories."

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

The Industrial Employment (Standing Orders) Act, 1946

(XX of 1946)

Section 1.—For "except Part B States," substitute "except the State of Jammu and Kashmir."

The Mica Mines Labour Welfare Fund Act, 1946

(XXII of 1946)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

Section 2.—In sub-section (1), for "Part A States and Part C States" substitute "the territories to which this Act extends."

Section 4.—In sub-section (1), for "two Advisory Committees, one for the State of Madras and one for the State of Bihar" substitute "as many Advisory Committees as it thinks fit but not exceeding one for each State."

The Delhi Special Police Establishment Act, 1946.

(XXV of 1946)

Long title and preamble.—Omit "in the States."

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir."

Section 5.—For "Part A States and Part C States" substitute "India."

Section 6.—(a) for "Part A States and Part C States" substitute "India."

(b) insert the following *Explanation* at the end:—

'*Explanation.*—In sections 5 and 6 the word "India" means the territory of India excluding the State of Jammu and Kashmir.'

The Foreigners Act, 1946.

(XXXI of 1946)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

Section 2.—Omit clause (aa).

The Prevention of Corruption Act, 1947

(II of 1947)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 6.—For "a Part A State" substitute "a State".

The Armed Forces (Emergency Duties) Act, 1947

(XV of 1947)

Section 2.—(a) in sub-section (1), for "in a Part A State or a Part C State or, if so requested by the Government of a Part B State, any specified service in that State" substitute "in a State";

(b) in sub-section (2), for "the Indian Army Act, 1911, or the Indian

Air Force Act, 1932" substitute "the Army Act, 1950, or the Air Force Act, 1950".

The Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947

(XVI of 1947)

Section 1.—In sub-section (2), omit "except Part B States".

The Rubber (Production and Marketing) Act, 1947.

(XXIV of 1947)

Throughout the Act, unless otherwise expressly provided, for "the States" substitute "India".

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—(a) after clause (d) insert:—

'(dd) "India" means the territory of India excluding the State of Jammu and Kashmir;';

(b) omit clause (k).

The Antiquities (Export Control) Act, 1947

(XXXI of 1947)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—In clause (b), for "the territories comprised in Part A States and Part C States" substitute "the territories to which this Act extends".

The Coal Mines Labour Welfare Fund Act, 1947

(XXXII of 1947)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 3.—In sub-section (1), for "Part A States and Part C States" substitute "the territories to which this Act extends".

The Dock Workers (Regulation of Employment) Act, 1948

(IX of 1948)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Minimum Wages Act, 1948

(XI of 1948)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Industrial Finance Corporation Act, 1948

(XV of 1948)

Section 1.—For "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Atomic Energy Act, 1948

(XXIX of 1948)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The National Cadet Corps Act, 1948

(XXXI of 1948)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Mines and Minerals (Regulation and Development) Act, 1948

(LIII of 1948)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Electricity (Supply) Act, 1948
(LIV of 1948)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Territorial Army Act, 1948
(LVI of 1948)

Throughout the Act, for "the Indian Army Act, 1911 (VIII of 1911)" substitute "the Army Act, 1950 (XLVI of 1950)".

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Exchange of Prisoners Act, 1948
(LVIII of 1948)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

The Central Silk Board Act, 1948
(LXI of 1948)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitutue "except the State of Jammu and Kashmir".

The Factories Act, 1948
(LXIII of 1948)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Central Tea Board Act, 1949
(XIII of 1949)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Hindu Marriages Validity Act, 1949
(XXI of 1949)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Displaced Persons (Legal Proceedings) Act, 1949
(XXV of 1949)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Chartered Accountants Act, 1949
(XXXVIII of 1949)

Section 1.—In sub-section (2), for "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" substitute "except the State of Jammu and Kashmir".

The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949
(XLVI of 1949)

Section 1 —In sub-section (2), for "except the Sates of Hyderabad, and Jammu and Kashmir" substitute "except the State of Jammu and Kashmir".

The Industrial Disputes (Banking and Insurance Companies) Act, 1949
(LIV of 1949)

Section 1. In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

The Explosives (Temporary Provisions) Act, 1949
(LV of 1949)

Section 1. In sub-section (2), omit "except the State of Hyderabad".

The Central Reserve Police Force Act, 1949
(LXVI of 1949)

Section 1.—In sub-section (2), omit "except the State of Hyderabad".

ORDINANCES

The Criminal Law Amendment Ordinance, 1944
(XXXVIII of 1944)

Section 1.—For sub-section (2), substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India outside India".

The Currency Ordinance, 1940
(IV of 1940)

Section 1.—In sub-section (2), for "except Part B States" substitute "except the State of Jammu and Kashmir".

Section 2.—For "the territories for the time being comprised within Part A States and Part C States" substitute "the territories to which this Ordinance extends".

After section 2, insert the following, namely :—

"2A. *Temporary provisions with respect to Hyderabad one-rupee notes.*—Notwithstanding anything contained in section 6 of the Part B States (Laws) Act, 1951, notes of the denominational value of one rupee which at the commencement of the said Act were in circulation as legal tender in the State of Hyderabad shall continue to be legal tender in that State to the like extent and subject to the same conditions as, immediately before the commencement of the said Act and for such period, not exceeding two years, from such commencement, as the Central Government may, by notification in the Official Gazette, determine."

The Armed Forces (Special Powers) Ordinance, 1942
(XLI of 1942)

Section 1.—In sub-section (2), omit "except Part B States".

The International Monetary Fund and Bank Ordinance, 1945
(XLVII of 1945)

Section 1.—In sub-section (2), omit "except Part B States".

Section 5.—For "Part A States and Part C States" substitute "India".

The Criminal Law Amendment Ordinance, 1946
(VI of 1946)

Section 1.—For sub-section (2) substitute :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir and applies also to citizens of India outside India".

The Employers' Liability (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 28th February, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 1st March 1951.

Act No. V of 1951

An Act further to amend the Employers' Liability Act, 1938.

[*28th February, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Employers' Liability (Amendment) Act, 1951.

2. *Amendment of section 3, Act XXIV of 1938.*—For clause (d) of section 3 of the Employers' Liability Act, 1938, the following clause shall be substituted, namely :—

"(d) by reason of the act or omission of any person in the service of the employer done or made—

(i) in the normal performance of the duties of that person; or

(ii) in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved); or

(iii) in obedience to particular instructions given by any other person to whom the employer has delegated authority in that behalf;".

3. *Insertion of new section 3A, Act XXIV of 1938.*—After section 3 of the said Act, the following section shall be inserted, namely:—

"3A. *Contracting out.*—Any provision contained in a contract of service or apprenticeship, or in an agreement collateral thereto, shall be void in so far as it would have the effect of excluding or limiting any liability of the employer in respect of personal injuries caused to the person employed or apprenticed by the negligence of persons in common employment with him."

The Appropriation (Railways) Act, 1951.

The following Act of Parliament received the assent of the President on the 1st March, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 2nd March 1951.

Act No. VI of 1951.

An Act to authorise payments and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951 for the purposes of railways.

[*1st March, 1951*]

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Appropriation (Railways) Act, 1951.

2. *Issue of Rs. 24,16,57,000 out of the Consolidated Fund of India for the year 1950-51.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-four crores, sixteen lakhs and fifty-seven thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

SCHEDULE
(*See* sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs	Rs.
4	Working Exepenses—Administration	20,00,000	...	20,00,000
5	Working Expenses—Repairs and Maintenance	1,04,53,000	...	1,04,53,000
6	Working Expenses—Operating Staff	46,30,000	...	46,30,000
7	Working Expenses—Operation (Fuel)	23,42,000	...	23,42,000
8	Working Expenses—Operation (other than Staff and Fuel)	37,63,000	...	37,63,000
9	Working Expenses—Miscellaneous Expenses ...	39,59,000	...	39,59,000
11	Appropriation to Depreciation Fund	13,00,00,000	...	13,00,00,000
14	Appropriation to Revenue Reserve Fund	2,23,56,000	...	2,23,56,000
16	Open Line Works—Additions	1,28,96,000	...	1,28,96,000
17	Open Line Works—Replacements	4,21,04,000	...	4,21,04,000
20	Dividend payable to General Revenues	71,54,000	...	71,54,000
	Grand Total ..	24,16,57,000	...	**24,16,57,000**

The Appropriation Act, 1951.

The following Act of Parliament received the assent of the President on the 1st March, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 2nd March 1951.

Act No. VII of 1951.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the year ending on the 31st day of March, 1951.

[*1st March, 1951*]

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Appropriation Act, 1951.

2. *Issue of Rs. 33,18,05,000 out of the Consolidated Fund of India for the year 1950-51.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty-three crores, eighteen lakhs and five thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

SCHEDULE

(*See* sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs	Rs.	Rs.
11	Ministry of Home Affairs	77,000	...	77,000
13	Ministry of Law	15,53,000	...	15,53,000
15	Ministry of Agriculture ...	75,000	...	75,000
17	Ministry of External Affairs ...	2,61,000	...	2,61,000
19	Ministry of Commerce ...	3,66,000	...	3,66,000
20	Ministry of Labour	1,26,000	...	1,26,000
24	Ministry of Food	1,000	...	1,000
29	Payments to other Governments, Departments, etc, on account of the administration of Agency Subjects and Management of Treasuries	17,000	...	17,000
35	Lighthouses and Lightship ...	56,000	...	56,000
37	Tribal Areas	24,07,000	...	24,07,000
38	External Affairs	16,09,000	...	16,09,000
39	Survey of India	1,000	...	1,000
48	Education	1,80,000	...	1,80,000
51	Agriculture	1,000	...	1,000
53	Industries and Supplies	1,000	...	1,000
62	Joint Stock Companies	67,000	...	67,000
63	Indian Dairy Department ...	26,000	...	26,000
64	Miscellaneous Departments ...	24,06,000	...	24,06,000
70	Territorial and Political Pensions	1,48,000	...	1,48,000
71	Superannuation Allowances and Pension	14,67,000	...	14,67,000
72	Stationery and Printing ...	43,17,000	...	43,17,000
73	Miscellaneous	14,62,23,000	...	14,62,23,000
74	Expenditure on Displaced Persons	26,51,000	...	26,51,000
79	Grants-in-aid to States ...	30,71,000	...	30,71,000
80A	Extraordinary Payments ...	10,00,000	...	10,00,000
81	Resettlement and Development	23,08,000	...	23,08,000
83	Pre-partition Payments ...	2,63,25,000	75,000	2,64,00,000
85	Ajmer	6,18,000	...	6,18,000
87	Himachal Pradesh	3,91,000	...	3,91,000
88	Bilaspur	56,000	...	56,000
89	Bhopal	13,92,000	...	13,92,000
89A	Vindhya Pradesh	2,10,000	...	2,10,000
91	Tripura	11,50,000	...	11,50,000
93	Relations with States	1,09,000	...	1,09,000
	Staff, Household and Allowances of the President	...	7,000	7,000
95	Capital Outlay on the India Security Press	3,50,000	...	3,50,000
98	Capital Outlay on Industrial Development	10,59,000	...	10,59,000
104	Capital Outlay on Civil Works ...	2,63,08,000	...	2,63,08,000
105	Commuted value of Pensions ...	38,00,000	...	38,00,000
106	Payments to Retrenched Personnel	4,57,000	...	4,57,000
108	Capital Outlay on Schemes of State Trading	1,000	...	1,000
110	Interest-free and Interest-bearing advances	...	8,00,00,000	8,00,00,000
	Repayment of Debt	...	1,89,91,000	1,89,91,000
	Grand Total ...	23,27,32,000	9,90,73,000	33,18,05,000

The Appropriation (Railways) No. 2 Act, 1951.

The following Act of Parliament received the Assent of the President on the 15th March 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 16th March 1951.

Act No. VIII of 1951.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952, for the purposes of railways.

[*15th March, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (Railways) No. 2 Act, 1951.

2. *Issue of Rs 346,28,35,000 out of the Consolidated Fund of India for the year 1951-52.*—From and out of the Consolidated Fund of India there may paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred and forty-six crores, twenty-eight lakhs and thirty-five thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1952, in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1952.

SCHEDULE

(*See* sections 2 and 3)

* * *

[For Schedule, see *Gazette of India*, Extraordinary, Part II-Sec. 1, dated 16th March 1951, page 54. *Editor*]

The Requisitioned Land (Continuance of Powers) Amendment Act, 1951.

The following Act of Parliament received the assent of the President on the 21st March, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 24th March 1951.

Act No. IX of 1951

An Act further to amend the Requisitioned Land (Continuance of Powers) Act, 1947.

[*21st March, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Requisitioned Land (Continuance of Powers) Amendment Act, 1951.

2. *Amendment of section 1, Act XVII of 1947.*—For sub-section (3) of section 1 of the Requisitioned Land (Continuance of Powers) Act, 1947, the following sub-section shall be substituted, namely :—

"(3) It shall cease to have effect in Part C States on the 1st day of April, 1952, and in Part A States—

(a) as respects the requisitioned lands which, at the commencement of the Requisitioned Land (Continuance of Powers) Amendment Act, 1951, are subject to requisition by or under the authority of the Central Government, on the 1st day of April, 1952, and

(b) as respects other requisitioned lands, on the 1st day of April, 1951, except as respects things done or omitted to be done before such cesser of operation of this Act, and section 6 of the General Clauses Act, 1897 (X of

1897) shall apply upon such cesser of operation as if it had then been repealed by a Central Act."

The Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 21st March, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 24th March 1951.

Act No. X of 1951

An Act further to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947.

[*21st March, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.* This Act may be called the Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1951.

2. *Amendment of section 1, Act XIX of 1947.*—In sub-section (3) of section 1 of the Delhi and Ajmer-Merwara Rent Control Act, 1947,—

(i) for the words "for a period of two years" the words "for a period of six years from that date" shall be substituted ;

(ii) the first proviso shall be omitted ; and

(iii) in the second proviso, the word "further" shall be omitted and after the word "areas" the words "or with regard to such classes of construction" shall be inserted.

The Taxation on Income (Investigation Commission) Amendment Act, 1951.

The following Act of Parliament received the assent of the President on the 21st March, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 24th March 1951.

Act No. XI of 1951

An Act further to amend the Taxation on Income (Investigation Commission) Act, 1947.

[*21st March, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Taxation on Income (Investigation Commission) Amendment Act, 1951.

2. *Amendment of section 4, Act XXX of 1947.*—In sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, for the words and figures "may extend its term of appointment for any period up to the 31st day of March, 1951" the words "may, if it thinks fit, extend its term of appointment from time to time and when the Central Government at any time extends the term of appointment of the Commission, it shall cause a copy of the order of extension to be laid before Parliament as soon as may be after it is made" shall be substituted.

The Appropriation (Vote on Account) Act, 1951.

The following Act of Parliament received the assent of the President on the 21st March, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 24th March 1951.

Act No. XII of 1951

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1st day of April, 1951.

[*21st March, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (Vote on Account) Act, 1951.

2. *Withdrawal of Rs. 74,18,44,000 from and out of the Consolidated Fund of India for the year 1951-52.*—From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seventy-four crores, eighteen lakhs and forty four thousand rupees towards defraying the several charges which will come in course of payment during the year beginning on the 1st day of April, 1951.

3. *Appropriation.*—The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(*See* sections 2 and 3)

* * * *

[For Schedule see *Gazette of India*, Extraordinary, Part II-Sec. 1, dated the 24th March 1951, pages 57-58. Editor.]

The Indian Tariff (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 29th March, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 30th March 1951.

Act No XIII of 1951

An Act further to amend the Indian Tariff Act, 1934.

[*29th March, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Tariff (Amendment) Act, 1951.

2. *Insertion of new section 3A in Act XXXII of 1934.*—After section 3 of the Indian Tariff Act, 1934 (hereinafter refecred to as the principal Act), the following section shall be inserted, namely :—

"3A. *Power of Central Government to levy protective duties in certain cases.*—(1) Where the Central Government, upon a recommendation made to it in this behalf by the Tariff Board set up under the Resolution of the Government of India in the Department of Commerce No. 218-T (55)/45, dated the 3rd November, 1945, is satisfied that circumstances exist which render it necessary to take immediate action to provide for the protection of the interests of any industry established in India, the Central Government may, by notification in the Official Gazette, impose on any goods imported into India in respect of which the said recommendation is made, a duty of customs of such amount, not exceeding the amount proposed in the said recommendation, as it thinks fit.

(2) Every duty imposed under sub-section (1) shall, for the purposes of this Act, be deemed to have been specified in the First Schedule, and shall be in addition to any duty imposed under this Act or any other law for the time being in force, but shall not be included in the duty of customs upon which any additional duty imposed by section 6 of the Indian Finance Act, 1942 (XII of 1942), and continued, subject to certain modifications, by certain subsequent Central Acts, is calculated, or operate so as in any way to affect the amount of any additional duty so imposed.

(3) Where a notification has been issued under sub-section (1), there shall be introduced in Parliament if it is not sitting within fifteen days

after the issue of the notification, and if it is not sitting within fifteen days of its reassembly, unless the notification is in the meantime rescinded, a Bill on behalf of the Central Government to give effect to the proposals in regard to the continuance of a protective duty of customs on the goods to which the notification relates, and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder:

Provided that where for any reason a Bill as aforesaid does not become law within two months from the date of its introduction in Parliament, the notification shall cease to have effect on the expiration of the said period of two months.

(4) This section shall cease to have effect on the expiration of two years from the commencement of the Indian Tariff (Amendment) Act, 1951.

3. *Amendment of the First Schedule, Act XXXII of 1934.*—In the First Schedule to the principal Act,

(i) in Item No. 11(3), for the entry in the second column, the words "Sago, Tapioca and Tapioca flour, not otherwise specified" shall be substituted;

(ii) after Item No. 11(5), the following Item shall be inserted namely:—

"11(6)	Sago globules and tapioca pearls—					
	(a) manufactured in a British Colony.	Protective	24 per cent. *ad valorem*	...	...	December 31st, 1952.
	(b) not manufactured in a British Colony.	Protective	36 per cent. *ad valorem.*	...	...	December 31st, 1952."

(iii) in item No. 15(10), in the entry in the second column, after the word "Stearine" the brackets and words "(Glyceride of Stearic Acid)" shall be inserted;

(iv) in Item No. 26, to the entry in the second column, the words "and antimony ore" shall be added;

(v) after Item No. 26, the following Item shall be inserted, namely:—

"26 (1)	Antimony ore in any form such as— (a) lump; (b) powder or fine; and (c) concentrates.	...	Free	...	...	... ";

(vi) in Items Nos. 27(4) and 27(8)—

(a) in the entry in the second column, the words " by Abel's close test" shall be omitted;

(b) to the entry in the second column, the following *Note* shall be added, namely:—

"*Note.*—Flashing points will be determined in accordance with the tests laid down in the rules made under the Petroleum Act, 1934 (XXX of 1934)";

(vii) in Item No. 28(8), in the entry in the second column, the word "carbolic" shall be omitted;

(viii) for Item No. 28(20), the following Item shall be substituted; namely:

"28(20)	(a) Acid oleic or any product containing 60 per cent. or more of free liquid fatty acids.	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1951.
	(b) Acid stearic or any product containing 60 per cent. or more of free solid fatty acids.	Protective	30 per cent. *ad valorem.*	...	..	December 31st, 1951.
	(c) Mixtures of (a) and (b) containing 60 per cent. or more of free fatty acids.	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1951.

(ix) in Item No. 28(29), in the entry in the second column, after the word "phenol" the brackets and words "(carbolic acid)" shall be inserted;

(x) after Item No. 28(30), the following Item shall be inserted, namely:—

"28(31)	Calcium lactate—					
	(a) of British manufacture.	Protective	26 per cent. *ad valorem.*	...	...	December 31st, 1953.";
	(b) not of British manufacture : Provided that calcium lactate manufactured in a British Colony shall be deemed to be of British manufacture.	Protective	36 per cent. *ad valorem.*	...	.	December 31st, 1953.

(xi) for Item No. 30(7), the following Item shall be substituted, namely :—

"30(7)	Lead Pencils ...	Protective	30 per cent. *ad valorem* or 3 ½ annas per dozen, whichever is higher.	...	...	December 31st, 1952.";

(xii) after Item No. 45(3), the following Items shall be inserted, namely :—

"45(4)	Coloured and copying pencils	Protective	37 ½ percent. *ad valorem*	...	...	December 31st, 1952.
45(5)	Fountain pen ink	Protective	37 ½ per cent. *ad valorem*	...	...	December 31st, 1953.";

(xiii) in Items Nos. 46, 46(1), 47, 47(1) and 48, in the last column, headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1951", the word, figures and letters "March, 31st

1952" shall be substituted ;

(xiv) after Item No. 71(7), the following Item shall be inserted, namely :—

"71(8)	Grinding wheels and segments.	Protective	100 per cent. *ad valorem.*	...	...	December 31st, 1951.";

(xv) after Item No. 71(10), the following Item shall be inserted, namely :—

"71(11)	Oil pressure lamps of 100 to 400 candle power, all sorts.	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1953.";

(xvi) in Item No. 72(d), in the entry in the second column, after the words "any machinery above specified", the words "and also with squirrel cage electric motors of one-quarter of one brake horse power and above", shall be inserted ;

(xvii) in Item No. 72(8), in the entry in the second column, after the words "seed and corn crushers", the words "seed and grain cleaners and graders" shall be inserted ;

(xviii) in Item No. 72(25), to the entry in the second column, the following proviso shall be added, namely :—

"Provided that articles which do not satisfy this condition shall also be deemed to be component parts of the machine or apparatus to which they belong if they are essential to its operation and are imported with it in such quantities as may appear to the Collector of Customs to be reasonable";

(xix) in Item No. 75(1), in the entry in the fifth column, for the figures "54", the figures "57" shall be substituted ;

(xx) for Item No. 85, the following Item shall be substituted, namely :—

"85	Buttons, studs and cuff links—					
	(a) made of metals other than gold or silver.	Protective	30 per cent. *ad valorem.*	...	...	December 31st, 1953.
	(b) made of porcelain.	Protective	35 per cent. *ad valorem.*	...	...	December 31st, 1953.
	(c) not otherwise specified but excluding jewellery, and articles made of glass or plated with gold or silver or both.	Protective	30 percent. *ad valorem.*	...	...	December 31st, 1953."

4. *Amendment of Act I of 1949.*—In the Indian Tariff (Amendment) Act, 1949,—

(i) in sections 4 and 5, for the figures "1951" the figures "1954" shall be substituted ; and

(ii) section 7 shall be omitted.

The Appropriation (Railways) No. 3 Act, 1951.

The following Act of Parliament received the assent of the President on the 29th March, 1951 and was published in the *Gazette of India*, Extra-

ordinary, Part II-Section 1, dated the 30th March 1951.

Act No. XIV of 1951

An Act to authorise payment and appropriation of a certain further sum from and out of the Consolidated Fund of India for the service of the year, ending on the 31st day of March, 1951 for the purposes of railways.

[*29th March, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (Railways) No. 3 Act, 1951.

2. *Issue of Rs. 30,00,000 out of the Consolidated Fund of India for the year 1950-51.*—From and out of the Consolidated Fund of India there may be paid and applied a sum not exceeding thirty lakhs of rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation.*—The sum authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

SCHEDULE

(*See* sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs	Rs.
7	Working Expense— Opetation (Fuel)... ...	30,00,000	...	30,00,000
	Total ...	30,00,000	..	30,00,000

The Appropriation (No. 2) Act, 1951.

The following Act of Parliament received the assent of the President on the 20th April 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 21st April 1951.

Act No. XV of 1951

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952.

[*20th April 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Appropriation (No. 2) Act, 1951.

2. *Issue of Rs. 20,72,24,55,000 out of the Consolidated Fund of India for the year 1951-52.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Vote on Account) Act, 1951 (XII 1951)] to the sum of two thousand and seventy-two crores, twenty-four lakhs and fifty-five thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1952, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1952.

* * * * *

[For the Schedule, see *Gazette of India*, Extraordinary, Part II-Section 1, dated the 21st April 1951, pages 68-70. *Editor.*]

The Minimum Wages (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 23rd April, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 24th April 1951.

Act No. XVI of 1951

An Act further to amend the Minimum Wages Act, 1948.

[*23rd April, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Minimum Wages (Amendment) Act, 1951.

2. *Amendment of section 3, Act XI of 1948.*—In sub-section (1) of section 3 of the Minimum Wages Act, 1948,—

(1) for clause (a), the following clause shall be substituted, namely :—

"(a) fix the minimum rates of wages payable to employees employed—

(i) in an employment specified in Part I of the Schedule at the commencement of this Act, before the 31st day of March, 1952 ;

(ii) in an employment specified in Part II of the Schedule at the commencement of this Act, before the 31st day of December, 1953 ; and

(iii) in an employment included in Part I or Part II of the Schedule by notification under section 27, from such date as may be specified in this behalf in the notification ;"

(2) after the existing proviso, the following further proviso shall be inserted, namely :—

"Provided further that, in the case of an employment referred to in

sub-clause (ii) of clause (a), the appropriate Government may fix minimum rates of wages only for a part of the State or for any class or classes of such employment."

The Coal Mines Safety (Stowing) Amendment Act, 1951.

The following Act of Parliament received the assent of the President on the 25th April, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 26th April 1951.

Act No XVII of 1951

An Act further to amend the Coal Mines Safety (Stowing) Act, 1939.

[*25th April, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Coal Mines Safety (Stowing) Amendment Act, 1951.

2. *Amendment of section 5, Act XIX of 1939.*—In section 5 of the Coal Mines Safety (Stowing) Act, 1939, for the words "three annas" the words "nine annas" shall be substituted.

The Supreme Court Advocates (Practice in High Courts) Act, 1951.

The following Act of Parliament received the assent of the President on the 28th April, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 28th April 1951.

Act No. XVIII of 1951

An Act to authorise advocates of the Supreme Court to practice as of right in any High Court.

[*28th April 1951*]

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(1) This Act may be called the Supreme Court Advocates (Practice in High Courts) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Right of Supreme Court Advocates to practise in any High Court.*—Notwithstanding anything contained in the Indian Bar Councils Act, 1926 (XXXVIII of 1926), or in any other law regulating the conditions subject to which a person not entered in the roll of Advocates of a High Court may be permitted to practise in that High Court, every Advocate of the Supreme Court shall be entitled as of right to practise in any High Court whether or not he is an Advocate of that High Court :

Provided that nothing in this section shall be deemed to entitle any person, merely by reason of his being an Advocate of the Supreme Court to practise in a High Court of which he was at any time a Judge, if he had given an undertaking not to practise therein after ceasing to hold office as such Judge.

Explanation.—In this section, "High Court" includes the Court of a Judicial Commissioner.

The Code of Civil Procedure (Second Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 28th April, 1951 and was published in the *Gazette of India*, Extraordinary, Part II- Section 1, dated the 28th April, 1951.

Act No. XIX of 1951

An Act further to amend the Code of Civil Procedure, 1908.

[*28th April, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Code of Civil Procedure (Second Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of Order V, rule 25, Act V of 1908.*—To rule 25 of Order V in the First Schedule to the Code of Civil Procedure, 1908, the following provisos shall be added, namely :—

"Provided that where any such defendant resides in Pakistan, the summons, together with a copy thereof, may be sent for service on the defendant, to any court in that country (not being the High Court) having jurisdiction in the place where the defendant resides :

Provided further that where any such defendant is a public officer in Pakistan (not belonging to the Pakistan military, naval or air forces) or is a servant of a railway company or local authority in that country, the summons, together with a copy thereof, may be sent for service on the defendant, to such officer or authority in that country as the Central Government may, by notification in the Official Gazette, specify in this behalf."

The Indian Tariff (Second Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 28th April, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 28th April 1951.

Act No. XX of 1951

An Act further to amend the Indian Tariff Act, 1951.

[*28th April, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Tariff (Second Amendment) Act, 1951.

2. *Amendment of section 4A in Act XXXII of 1934.*—In sub-section (2) of section 4A of the Indian Tariff Act, 1934 (hereinafter referred to as the principal Act), for the words "in session", wherever they occur, the word "sitting" shall be substituted.

3. *Amendment of the First Schedule, Act XXXII of 1934.*—In the First Schedule to the principal Act,—

(i) for Item No. 8(3), the following Item shall be substituted, namely:—

"8(3)	Fruits, candied and crystallised.	Protective	40 per cent. *ad valorem*	...	...	December 31st, 1952";

(ii) for Item No. 20 (1), the following Item shall be substituted, namely :—

"20(1)	Fruit Juices, Squashes Cordials and Syrups not otherwise specified—					
	(a) manufactured in a British Colony.	Revenue	26 per cent. *ad valorem.*	...	...	....
	(b) not manufactured in a British Colony.	Revenue	36 per cent. *ad valorem.*	...	...	... ";

(iii) for Items Nos. 20(3), 20(4) and 20(5), the following Items shall be substituted, namely :—

"20(3)	Fruits, canned, bottled or otherwise packed, not otherwise specified—				
	(a) manufactnred in a British Colony.	Protective	26 per cent. *ad valorem.*	.. ...	December 31st 1952.
	(b) not manufacturred in a British Colony.	Protective	36 per cent. *ad valorem.*	. .	December 31st, 1952.
20 (4)	Jams, Jellies and Marmalades, canned, bottled or otherwise packed.	Protective	40 per cent. *ad valorem.*	.. ..	December 31st, 1952.
20 (5)	Juices either individually or in mixture, of the follow fruits, namely : Apricots, Berries, Grapes, Pineapple, Plums and Prunes—				
	(a) manufactured in a British Colony.	Revenue	30 per cent. *ad valorem.*	. ..	...
	(b) not manufactured in a British Colony.	Revenue	36 per cent. *ad valorem.*	.. ..	..."

(iv) for Items Nos. 20 (8) and 20 (9), the following Items shall be substituted, namely :—

"20 (8)	The following fruits, canned or otherwise packed namely : Apricots, Berries, Grapes, Plums and Prunes, and fruit salads composed not less than 80 per cent. in quantity and in value of the above named fruits—				
	(a) mannfactured in a British Colony.	Protective	30 per cent. *ad valorem*	.	December 31st, 1952.
	(b) not manufactured in a British Colony.	Protective	36 per cent. *ad valorem*	.....	December 31st, 1952.
20 (9)	Pineapples, canned or otherwise packed—				
	(a) manufactured in a British Colony.	Protective	28 per cent. *ad valorem*	... ..	December 31st, 1952.
	(b) not manufactured in a British Colony.	Protective	36 per cent. *ad valorem*	... ...	December 31st, 1952"

(v) for Item No. 48 (1), the following Item shall be substituted, namely :—

"48 (1)	Fabrics, not otherwise specified, containing more than 90 per cent. of artificial silk—					
	(a) of British manufacture.	Protective	30 per cent. *ad valorem* or 2⅛ annas per square yard, whichever is higher.	...	...	December 31st, 1952.
	(b) not of British manufacture.	Protective	50 per cent. *ad valorem* or four annas per square yard, whichever is higher.	...	...	December 31st, 1952." ;

(vi) for Item Nos. 48 (4) and 48 (5), the following Items shall be substituted, namely :—

"48(4)	Fabrics, not otherwise specified containing more than 10 per cent. and not more than 90 per cent. silk—					
	(a) containing more than 50 per cent. of silk or artificial silk or of both.	Protective	50 per cent. *ad valorem plus* Rs. 2 per lb.	...	..	December 31st, 1952.
	(b) containing not more than 50 per cent. of silk or artificial silk or of both—					
	(i) containing more than 10 per cent. artificial silk.	Protective	50 per cent. *ad valorem* or Rs. 1-8-0 per lb., whichever is higher.	...	...	December 31st, 1952.
	(ii) containing no artificial silk or not more than 10 per cent. artificial silk.	Protective	50 per cent. *ad valorem.*	..	...	December 31st, 1952.
48 (5)	Fabrics, not otherwise specified, containing no silk or containing not more than 10 per cent. silk but more than					

	10 per cent. and not more than 90 per cent. artificial silk—					
	(a) containing 50 per cent. or more cotton—					
	(i) of British manufacture.	Protective	30 per cent. *ad valorem.* or two annas per square yard, whichever is higher.	...	..	December, 31st, 1952.
	(ii) not of British manufacture.	Protective	50 per cent. *ad valorem.* or 3¼ annas per square yard, whichever is higher.	...		December, 31st, 1952.
	(b) containing no cotton or containing less than 50 per cent. cotton—					
	(i) of British manufacture.	Protective	30 per cent. *ad valorem.* or 2½ annas per square yard, whichever is higher.			December, 31st, 1952.
	(ii) not of British manufacture.	Protective	50 per cent. *ad valorem.* or 4 annas per square yard, whichever is higher.	...		December, 31st, 1952.";

(vii) in Item No. 48 (6), in the entry in the second column, after the word "specified", the words "containing no silk or artificial silk or" shall be inserted ;

(viii) for Item No. 48 (7), the following Item shall be substituted, namely :—

"48 (7)	Fabrics, not otherwise specified containing not more than 10 per cent. artificial silk or 10 per cent. wool, but containing more than 50 per cent. cotton and not more than 90 per cent. cotton—					
	(a) of British manufacture.	Protective	25 per cent. *ad valorem.*	..	...	December 31st, 1952.
	(b) not of British manufacture.	Protective	50 per cent. *ad valorem.*	...	...	December 31st, 1952.";

(ix) for Item No. 72(33), the following Item shall be substituted, namely :—

"72(33)	Pickers used in textile industries.	Protective	10 per cent. *ad valorem*	...	...	December 31st 1952."

The Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 28th April, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 28th April 1951.

Act No. XXI of 1951

An Act further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948.

[*28th April, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1951.

2. *Insertion of new section 10A in Act XLVI of 1948.*—After section 10 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"10A. *Mode of recovery of money due from an employer.*—Any amount due from an employer in respect of any contribution or bonus under any scheme framed under this Act may be recovered by the Central Government in the same manner as an arrear of land revenue."

3. *Amendment of the First Schedule, Act XLVI of 1948.*—In the First Schedule to the principal Act—

(a) for paragraph 2, the following paragraph shall be substituted and shall be deemed always to have been substituted, namely :—

"2. Payment of contributions to the Fund by employers and by, or on behalf of, employees, the rate, time and manner of such payment and the manner in which such contributions may be recovered."

(b) in paragraph 3, for the words "it shall be paid" the words "the payment shall be made" shall be substituted.

The Administration of Evacuee Property (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 28th April, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 28th April 1951.

Act No. XXII of 1951

An Act further to amend the Administration of Evacuee Property Act, 1950.

[*28th April, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Administration of Evacuee Property (Amendment) Act, 1951.

Notes.

Object—"An agreement was arrived at with the Government of Pakistan in June 1950 according to which property of Joint Stock Companies should be treated as evacuee property if the holders of the majority of shares of such companies have migrated to Pakistan. The existing Administration of Evacuee Property Act, 1950 (XXXI of 1950) does not admit of such property being treated as evacuee property. It is proposed to amend the definition of evacuee property so as to make the property of such companies evacuee property

2. Section 17 of the Administration of Evacuee Property Act was designed to bar the jurisdiction of civil courts in matters relating to execution of decrees and orders concerning evacuee property. While it was felt that the existing section was comprehensive enough, civil courts have found a lacuna in the section and orders have been issued by some civil courts for appointment of receivers, etc., in respect of evacuee property. Such orders are contrary to the spirit underlying the Administration Evacuee Property Act and also contrary to the understanding between the Governments of India and Pakistan that evecuee property will not be allowed to be attached, sold, etc. under orders of civil courts It is proposed to rectify this lacuna by this amending Bill." (Vide Statement of Objects and Reasons, published in the *Gazette of India*, Part II-Sec 2, dated the 30th December 1950, p 660.)

2. *Amendment of section 2, Act XXXI of 1950.*—In clause (f) of section 2 of the Administration of Evacuee Property Act, 1950 (hereinafter referred to as the said Act), after sub-clause (1), the following sub-clause shall be inserted and shall be deemed always to have been inserted, namely :—

"(1A) belonging to a joint stock company of which not less than fifty-one per cent. of the shares are held by evacuees, notwithstanding that the registered office of such company is situated in any part of the territories to which this Act extends, or".

3. *Substitution of new section for section 17, Act XXXI of 1950.*—For section 17 of the said Act, the following section shall be substituted and shall be deemed always to have been substituted, namely:—

"17. *Exemption of evacuee property from processes of court, etc.*—(1) Save as otherwise expressly provided in this Act, no evacuee property which has vested or is deemed to have vested in the Custodian under the provisions of this Act shall, so long as it remains so vested, be liable to be proceeded against in any manner whatsoever in execution of any decree or order of any court or other authority, and any attachment or injunction or order for the appointment of a receiver in respect of any such property subsisting on the commencement of the Administration of Evacuee Property (Amendment) Act, 1951, shall cease to have effect on such commencement and shall be deemed to be void.

(2) Where, after the 1st day of March, 1947, any evacuee property which has vested in the Custodian or is deemed to have vested in the Custodian under the provisions of this Act has been sold in execution of any decree or order of any court or other authority, the sale shall be set aside if an application in that behalf has been made by the Custodian to such court or authority on or before the 17th day of October, 1950."

The Finance Act, 1951.

The following Act of Parliament received the assent of the President on the 28th April, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 28th April 1951.

Act No. XXIII of 1951

An Act to give effect to the financial proposals of the Central Government for the year beginning on the 1st day of April, 1951.

[*28th April, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Finance Act, 1951.

2. *Income-tax and super-tax.*—(1) Subject to the provisions of sub-sections (3), (4) and (5), for the year beginning on the 1st day of April, 1951,—

(a) income-tax shall be charged at the rates specified in Part I of the First Schedule, increased in each case by a surcharge for the purposes of the Union at the rate specified therein in respect of each such rate of

income-tax, and

(b) rates of super-tax shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (XI of 1922) (hereinafter referred to as "the Income-tax Act"), be those specified in Part II of the First Schedule, increased in the cases to which Paragraphs A, B and C of that Part apply, by a surcharge for the purposes of the Union at the rate specified therein in respect of each such rate of super-tax.

(2) In making any assessment for the year ending on the 31st day of March, 1952, there shall be deducted from the total income of an assessee, in accordance with the provisions of section 15A of the Income-tax Act, an amount equal to one-fifth of the earned income, if any, included in his total income but not exceeding in any case four thousand rupees.

(3) In making any assessment for the year ending on the 31st day of March, 1952,—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" as reduced by the deduction for earned income appropriate thereto, or any income chargeable under the head "Interest on securities", or any income from dividends in respect of which by virtue of section 49B of the Income-tax Act he is deemed himself to have paid the income-tax imposed under that Act, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Finance Act, 1950 (XXV of 1950), on his total income the same proportion as the amount of such inclusions bears to his total income :

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Income-tax Act, the super-tax payable by the assessee on that portion of his total income which consists of such inclusion shall be an amount bearing to the total amount of super-tax payable, according to the rates applicable under the operation of the Finance Act, 1950, on his total income the same proportion as the amount of such inclusion bears to his total income.

(4) In making any assessment for the year ending on the 31st day of March, 1952,—

(a) where the total income of a company includes any profits and gains from life insurance business, the super-tax otherwise payable by the company on the whole of such total income shall be reduced by an amount which bears to that super-tax the same proportion as the amount of such inclusion bears to its total income or by an amount computed at the rate of,—

(i) two annas in the rupee in the case of a mutual insurance company as defined in section 95 of the Insurance Act, 1938 (IV of 1938), and

(ii) one-and-a-half annas in the rupee in the case of any other company

on the amount of such inclusion, whichever is less ;

(b) where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable on his total income according to the rates applicable under the operation of the Indian Finance Act, 1942 (XII of

1942), increased in respect of each such rate by one-twentieth thereof, the same proportion as the amount of such inclusion bears to his total income, so however that the aggregate of the taxes so computed in respect of such inclusion shall not in any case exceed the amount of tax payable on such inclusion at the rate of five annas in the rupee.

(5) In cases to which section 17 of the Income-tax Act applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates imposed by sub-section (1), and in accordance, where applicable, with the provisions of sub-sections (3) and (4) of this section.

(6) For the purposes of making any deduction of income-tax in the year beginning on the 1st day of April, 1951, under sub-section (2) or sub-section (2B) of section 18 of the Income-tax Act from any earned income chargeable under the head 'Salaries", the estimated total income of the assessee under this head shall, in computing the income-tax to be deducted, be reduced by an amount equal to one-fifth of such earned income, but not exceeding in any case four thousand rupees; but no abatement shall be allowed by the person responsible for paying the salary in respect of any donations made by the assessee to which section 15B of the Income-tax Act is or may be applicable.

(7) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Income-tax Act, and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of that Act.

3. *Amendment of section 17, Act XI of 1922.*—With effect from the 1st day of April, 1951, the following sub-section shall be substituted for sub-section (1) of section 17 of the Income-tax Act, namely :—

"(1) Where a person is not resident in the taxable tarritories and is not a company, the tax, including super-tax, payable by him or on his behalf on his total income shall be an amount equal to—

(a) the income-tax which would be payable on his total income at the maximum rate, *plus*

(b) either the super-tax which would be payable on his total income at the rate applicable in the case of an individual to the slab next to the slab exempt from super-tax, or the super-tax which would be payable on his total income if it were the total income of a person resident in the taxable territories, whichever is greater :

Provided that any such person may, on the first occasion on which he is assessable for any year subsequent to the year ending on the 31st day of March, 1951, and before the 30th day of June in that year, or where the first occasion on which he is so assessable falls during the year ending on the 31st day of March, 1952, before such date as the Central Board of Revenue may, by notification in the Official Gazette, specify in this behalf, by notice in writing to the Income-tax Officer declare (such declaration being final and being applicable to all assessments thereafter) that the tax, including super-tax payable by him or on his behalf on his total income shall be determined with reference to his total world income, and thereupon such tax shall be an amount bearing to the total amount of tax including super-tax which would have been payable on his total world income and had it been his total income the same proportion as his total income bears to his total world income."

4. *Alteration of certain duties of customs.*—In the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934),—

(a) in Item No. 27(5), for the entry in the fourth column, the following entry shall be substituted, namely :—

"Three annas per Imperial gallon or 15 per cent. *ad valorem*, whichever is higher." ;

(b) in Item No. 27(7), in the fourth column,

(i) for the entry against sub-item (a), the entry

"Rs. 18-12 per ton or 15 per cent. *ad valorem*, whichever is higher.", shall be substituted, and

(ii) for the entry against sub-item (b), the entry

"15 per cent. *ad valorem*" shall be substituted ;

(c) in Item No. 27 (8), for the entry in the fourth column, the entry

"Three annas per Imperial gallon or 15 per cent. *ad valorem*, whichever is higher." ; shall be substituted ;

(d) for Items Nos. 75(9), 75(10) and 75(11), the following items shall be substituted, namely :—

"75 (9) The following articles, and parts thereof, adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters :	Preferential revenue.	60% *ad valorem*.	57% *ad valorem*.
(i) the following engine components : rubber mountings, hose pipes (other than fuel line hoses) with connections, fuel pump diaphragms, fan belts, mufflers, exhaust pipes and tail pipes ;			
(ii) the following frame and body components : carpets (made to size or shape), cushion springs, door and window fittings excluding glasses, trim materials (leather, jute, canvas and leather cloth) made to size or shape, bus, bodies, station wagon bodies, truck bodies, steel cabs for lorries, pick up bodies and parcel van bodies ; and			
(iii) the following other components : gaskets all sorts, rubber components not otherwise specified and horns not otherwise specified.			
75(10) The following articles, and parts thereof, adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters :	Preferential revenue.	90% *ad valorem*.	87% *ad valorem*.
(i) the following engine components : crank shafts, cam shafts, connecting rods, cylinder blocks and heads, manifolds, valves, valve springs, valve tappets, fly wheels, petrol tanks, radiators, fans, piston assembly (namely, pistons, piston rings and gudgeon pins), water pumps, and timing gears and sprockets ;			
(ii) the following electrical components : lamps other than head lamps, wire harness, battery and other cables made to size and horns ;			

(iii) the following transmission and suspension components : front and rear springs other than coil springs, king pins, shackle pins, shock absorbers, spring hanger brackets, shackles, transmission gear and gear box, clutch housings, propeller shafts, universal joints including needle bearings therefor, rear axle assembly (axle housing, axle shaft, ring gear, pinion and carrier differential), front axles, hubs and brake drums and front suspension excluding coil springs ; (iv) the following frame and body components : seat runners, short members of chassis frame and brackets ; and (v) the following other components : brake hose pipes, ball bearings up to 2" bore, bushings separately imported (excluding oil impregnated bushings) and bumpers.			
75(11) The following articles, and parts thereof, adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters, namely : (i) the following engine components : thin wall bearings, cylinder liners, carburettors, oil pumps, air cleaners, oil filters, fuel pumps, and fuel line hoses with connections ; (ii) the following electrical components : distributors, sparking plugs, direction indicators, electrical panel instruments, wind shield wipers, starting motors, generators, head lamps including sealed beams fuses, switches, ignition coils, and voltage and current regulators ; (iii) the following transmission and suspension components : steering mechanisms, pressed wheel, clutches and suspension coil springs ; (iv) the following frame and body components : toughened glass sheets, body panles including turret tors and sides for passenger cars and long members of chassis frames ; and (v) the following other components : roller bearings, bushings (oil impregnated), penal instruments other than electrical, and brake cylinders.	Preferential revenue.	30% *ad valorem.*	27% *ad valorem.*

75 (12) Articles [other than rubber tyres, tubes, batteries and such other components as are specified in Items Nos. 75 (9), 75(10) and 75(11)] adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters.	Preferential revenue.	30 % *ad valorem.*	27 % *ad valorem.*
75 (13) Parts of mechanically propelled vehicles and accessories not otherwise specified :	Preferential revenue.	30 % *ad valorem.*	22½% *ad valorem.*

Provided that where any articles referred to in Items Nos. 75(12) and 75(13) are also ordinarily used otherwise than as parts and accessories of motor vehicles, they shall be dutiable at the rates of duty specified for such articles.

5 *Additional duties of customs* —When any goods chargeable with a duty of customs under the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), or under that Schedule read with any notification of the Central Government for the time being in force, are assessed to duty, there shall, up to the 31st day of March, 1952, be levied and collected as an addition to, and in the same manner as, the total amount so chargeable—

(a) a sum equal to 155 per cent. of such amount, in the case of goods comprised in Items Nos. 22(2) and 22(4) ;

(b) a sum equal to 55 per cent. of such amount, in the case of goods comprised in Items Nos. 48, 48(1), 48(2), 48(4), 48(5), 48(6), 48(7), 48(8), 48(10) and 51(2), and in the case of textile manufactures specified in Item No. 49 when made wholly or mainly of any of the fabrics specified in Items Nos. 48, 48(1), 48(4), 48(5), 48(7) or 48(10) ;

(c) a sum equal to 45 per cent. of such amount in the case of goods comprised in Items Nos. 47(2), 59(2), 59(4) and 59(5) ;

(d) a sum equal to 25 per cent of such amount, in the case of goods comprised in any Item of the said schedule other than those specified in clauses (a), (b) or (c) of this section, or in the Second or Third Schedule to this Act ; and

(e) a sum equal to 5 per cent. of such amount, in the case of goods comprised in any of the Items of the said Schedule specified in the Third Schedule to this Act :

Provided that in the case of goods comprised in Items Nos. 48 to 48 (10), both inclusive, and in the case of textile manufactures specified in sub-items (a) and (b) of Item No. 49, if the duty of excise for the time being leviable on the like goods or as the case may be, on the fabrics of which such textile manufactures are wholly or mainly made, exceeds the sum of

(i) the duty of customs chargeable under the First Schedule to the Indian Tariff Act, 1934, or under that Schedule read with any notification of the Central Government for the time being in force, and

(ii) the additional duty of customs chargeable under clause (b) or clause (d) of this section,

there shall, up to the 31st day of March, 1952, be levied and collected as a further addition to, and in the same manner as, the duties of customs so chargeable an amount equal to the aforesaid excess.

6. *Imposition and alteration of certain export duties.*—In the Second Schedule to the Indian Tariff Act, 1934 (XXXII of 1934)—

(a) in Item No. 2(i), for the entry in the last column, the entry "Rs. 350" shall be substituted ;

(b) in Item No. 6, for the entry in the second column, the following entry shall be substituted, namely :—

'Cloth

"cloth" means cloth of any description manufactured either wholly from cotton or partly from cotton and partly from any other substance and containing not less than ten per cent. of cotton by weight, but does not include—

(i) cloth of handloom manufacture ;

(ii) superfine and fine cloth, that is to say, cloth in which the count of warp yarn (whether single or folded) is 35s or finer ; and

(iii) furnishing fabrics, hosiery, apparel, blankets, bed-covers, towels, dusters and napkins ;'

(c) after Item No. 12, the following Item shall be inserted, namely :—

"13. Ground nuts ... ... Ton of 2,240 lbs. Rs. 80"

7. *Amendment of Act 1 of 1944, and alteration of certain duties of Central Excise.*—(1) In the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944),—

(a) in Item No. 4, in sub-item (a), after the words "motor vehicle" the words "or aircraft" shall be inserted, and

(b) for Item No. 9, the following Item shall be substituted, namely: —

"9. TOBACCO

'Tobacco' means any form of tobacco, whether cured or uncured, and whether manufactured or not, and includes the leaf, stalks and stems of the tobacco plant, but does not include any part of a tobacco plant while still attached to the earth.

I. *Unmanufactured tobacco*—

	Per lb.
(1) if flue cured and used in the manufacture of cigarettes containing—	
(i) more than 60 per cent. weight of imported tobacco.	Seven rupees and eight annas.
(ii) more than 40 per cent. but not more than 60 per cent. weight of imported tobacco.	Five rupees.
(iii) more than 20 per cent but not more than 40 per cent. weight of imported tobacco.	Three rupees and eight annas.
(iv) 20 per cent. or less than 20 per cent. weight of imported tobacco.	Two rupees and eight annas.
(v) no imported tobacco	One rupee.
(2) if flue cured and used for the manufacture of smoking mixtures for pipes and cigarettes.	Seven rupees and eight annas.
(3) if flue cured and not otherwise specified.	One rupee.
(4) if other than flue cured and used for the manufacture of (a) cigarettes or (b) smoking mixtures for pipes and cigarettes.	Nine annas.
(5) if other than flue cured, and not ordinarily used for the manufacture of (a) cigarettes or (b) smoking mixtures for pipes and cigarettes, but capable of being used for the manufacture of biris.	Fourteen annas.
(6) if other than flue cured and not otherwise specified.	Six annas.
(7) if used for agricultural purposes	*Nil*
(8) Stalks	One anna.

II. *Manufactured tobacco*—

(1) Cigars and cheroots of which the value—	Per hundred.
(i) exceeds Rs. 30 a hundred	Twelve rupees.
(ii) exceeds Rs. 25 a hundred but does not exceed Rs. 30 a hundred.	Ten rupees.
(iii) exceeds Rs. 20 a hundred but does not exceed Rs. 25 a hundred.	Eight rupees.
(iv) exceeds Rs. 15 a hundred but does not exceed Rs. 20 a hundred.	Six rupees.
(v) exceeds Rs. 10 a hundred but does not exceed Rs. 15 a hundred.	Four rupees.
(vi) exceeds Rs. 5 a hundred but does not exceed Rs. 10 a hundred.	Two rupees.
(vii) exceeds Rs. 2-8-0 a hundred but does not exceed Rs. 5 a hundred.	One rupee.
(viii) exceeds Rs. 1-4-0 a hundred but does not exceed Rs. 2-8-0 a hundred.	Eight anñas.
(ix) exceeds 14 annas a hundred but does not exceed Rs. 1-4-0 a hundred.	Four annas.
(2) Cigarettes of which the value—	Per thousand.
(i) exceeds Rs. 50 a thousand	Twelve rupees and eight annas.
(ii) exceeds Rs. 40 a thousand but does not exceed Rs. 50 a thousand.	Ten rupees.
(iii) exceeds Rs. 30 a thousand but does not exceed Rs. 40 a thousand.	Seven rupees and eight annas.
(iv) exceeds Rs. 25 a thousand but does not exceed Rs. 30 a thousand.	Six rupees and four annas.
(v) exceeds Rs. 20 a thousand but does not exceed Rs. 25 a thousand.	Five rupees.
(vi) exceeds Rs. 15 a thousand but does not exceed Rs. 20 a thousand.	Three rupees and twelve annas.
(vii) exceeds Rs 10 a thousand but does not exceed Rs. 15 a thousand.	Two rupees and twelve annas.
(viii) exceeds Rs. 7-8-0 a thousand but does not exceed Rs. 10 a thousand.	One rupee and eight annas.
(ix) does not exceed Rs. 7-8-0 a thousand.	One rupee."

(2) The amendments made in the Central Excises and Salt Act, 1944, by sub-section (1) shall be deemed to have had effect on and from the 1st day of March, 1951, and accordingly—

(a) refunds shall be made of all duties collected which would not have been collected if the amendments had come into force on that day; and

(b) recoveries shall be made of all duties which have not been collected but which would have been collected if the amendments had so come into force.

8. *Additional duties of excise.*—When any goods chargeable with a duty of excise under the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944), are assessed to duty, there shall, up to the 31st day of March, 1952, be levied and collected as an addition to, and in the same manner as, the total amount so chargeable—

(a) as respects motor spirit as defined in Item No. 4 of that Schedule, a surcharge equal to 5 per cent. of such amount;

(b) as respects cigarettes specified in Item No. 9II (2)—

(i) where the retail price is at a rate exceeding 2 annas. but not

exceeding 5½ annas per ten cigarettes, a surcharge calculated at three pies for every ten cigarettes, and

(ii) where the retail price is at a rate exceeding 5½ annas per ten cigarettes, a surcharge calculated at the rate of six pies for every ten cigarettes.

9. *Discontinuance of salt duty.*—For the year beginning on the 1st day of April, 1951, no duty shall be levied on salt manufactured in, or imported by sea or land into, the territory of India excluding the State of Jammu and Kashmir.

THE FIRST SCHEDULE

(*See* section 2)

PART I

Rates of Income-tax

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which paragraph B or paragraph C of this Part applies—

	Rate	Surcharge
1. On the first Rs. 1,500 of total income.	Nil ...	Nil
2. On the next Rs. 3,500 of total income.	Nine pies in the rupee.	One twentieth of the rate specified in the preceding column.
3. On the next Rs. 5,000 of total income.	One anna and nine pies in the rupee.	Do.
4. On the next Rs. 5,000 of total income.	Three annas in the rupee.	Do.
5. On the balance of total income	Four annas in the rupee.	Do.

Provided that—

(i) No income-tax shall be payable on a total income which before deduction of the allowance, if any, for earned income, does not exceed the limit specified below ;

(ii) the income-tax payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds the said limit ;

(iii) the income-tax payable on the total income as reduced by the allowance for earned income shall not exceed either—

(a) a sum bearing to half the amount by which the total income (before deduction of the allowance for earned income) exceeds the said limit the same proportion as such reduced total income bears to the unreduced total income, or

(b) the income-tax payable on the income so reduced at the rates herein specified,—

whichever is less

The limit referred to in the above proviso shall be—

(i) Rs. 7,200 in the case of every Hindu undivided family which satisfies as at the end of the previous year either of the following conditions, namely :—

(a) that it has at least two members entitled to claim partition who are not less than 18 years of age ; or

(b) that it has at least two members entitled to claim partition neither of whom is a lineal descendant of the other and both of whom are not

lineally descended from any other living member of the family ; and

(ii) Rs. 3,600 in every other case.

Explanation.—For the purposes of this paragraph, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the co-parcenary property against his father or grandfather, notwithstanding any custom to the contrary :

Provided further that—

(i) no surcharge shall be payable on a total income which before deduction of the allowance, if any, for earned income does not exceed the limit specified below ;

(ii) the surcharge payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds the said limit.

The limit referred to in the above proviso shall be—

(i) Rs. 14,400 in the case of every Hindu undivided family referred to in the preceding proviso ;

(ii) Rs. 7,200 in every other case.

B. In the case of every company—

	Rate	Surcharge
On the whole of total income ...	Four annas in the rupee.	One-twentieth of the rate specified in the preceding column.

Provided that in the case of a company which, in respect of its profits liable to tax under the Income-tax Act for the year ending on the 31st day day of March, 1952, has made the prescribed arrangements for the declaration and payment within the territory of India excluding the State of Jammu and Kashmir, of the dividends payable out of such profits, and has deducted super tax from the dividends in accordance with the provisions of sub-section (*3-D*) or (*3-E*) of section 18 of that Act—

(i) where the total income, as reduced by seven annas in the rupee and by the amount, if any, exempt from income-tax, exceeds the amount of any dividends (including dividends payable at a fixed rate) declared in respect of the whole or part of the previous year for the assessment for the year ending on the 31st day of March, 1952, and no order has been made under sub-section (1) of section 23-A of the Income-tax Act, a rebate shall be allowed, at the rate of one anna per rupee on the amount of such excess ;

(ii) where the amount of dividends referred to in clause (i) above exceeds the total income as reduced by seven annas in the rupee and by the amount, if any, exempt from income-tax, there shall be charged on the total income an additional income-tax equal to the sum, if any, by which the aggregate amount of income-tax actually borne by such excess (hereinafter referred to as "the excess dividend") falls short of the amount calculated at the rate of five annas per rupee on the excess dividend.

For the purposes of the above proviso, the expression "dividend" shall have the meaning assigned to it in clause (6-A) of section 2 of the Income-tax Act, but any distribution included in that expression, made during the year ending on the 31st day of March, 1952, shall be deemed to be a dividend declared in respect of the whole or part of the previous year.

For the purposes of clause (ii) of the above proviso, the aggregate amount of income-tax actually borne by the excess dividend shall be determined as follows :—

(i) the excess dividend shall be deemed to be out of the whole or such portion of the undistributed profits of one or more years immediately preceding the previous year as would be just sufficient to cover the amount of the excess dividend and as have not likewise been taken into account to cover an excess dividend of a preceding year;

(ii) such portion of the excess dividend as is deemed to be out of the undistributed profits of each of the said years shall be deemed to have borne tax,—

(a) if an order has been made under sub-section (1) of section 23-A of the Income-tax Act, in respect of the undistributed profits of that year, at the rate of five annas in the rupee, and

(b) in respect of any other year, at the rate applicable to the total income of the company, for that year reduced by the rate at which rebate, if any, was allowed on the undistributed profits.

C. In the case of every local authority and in every case in which under the provisions of the Income-tax Act, income-tax is to be charged at the maximum rate—

	Rate	Surcharge
On the whole of total income	Four annas in the rupee.	One-twentieth of the rate specified in the preceding column.

PART II

Rates of Super-tax

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which any other paragraph of this Part applies—

	Rate	Surcharge
1. On the first Rs 25,000 of total income.	Nil	Nil.
2. On the next Rs. 15,000 of total income.	Three annas in the rupee.	One-twentieth of the rate specified in the preceding column.
3. On the next Rs. 15,000 of total income.	Four annas in the rupee.	Do.
4. On the next Rs. 15,000 of total income.	Six annas in the rupee.	Do.
5. On the next Rs 15,000 of total income.	Seven annas in the rupee.	Do.
6. On the next Rs. 15,000 of total income.	Seven and a half annas in the rupee.	Do.
7. On the next Rs. 50,000 of total income.	Eight annas in the rupee.	Do.
8. On the balance of total income.	Eight and a half annas in the rupee.	Do.

B. In the case of every local authority :—

	Rate	Surcharge
On the whole of total income.	Two and a half annas in the rupee.	Three pies in the rupee.

C. In the case of an association of persons being a co-operative society (other than the Sanikatta Saltowners' Society in the State of Bombay) for the time being registered under the Co-operative Societies Act, 1912 (I

of 1912), or under any law of a State governing the registration of co-operative societies —

	Rate	Surcharge
1. On the first Rs. 25,000 of total income.	Nil	Nil
2. On the balance of total income	Two and a half annas in the rupee.	Three pies in the rupee.

D. In the case of every company :—

	Rate
On the whole of total income	Four annas and nine pies in the rupee:

Provided that—

(i) a rebate at the rate of three annas per rupee of the total income shall be allowed in the case of any company which —

(a) in respect of its profits liable to tax under the Income-tax Act for the year ending on the 31st day of March, 1952, has made the prescribed arrangements for the declaration and payment in the territory of India excluding the State of Jammu and Kashmir of the dividend payable out of such profits and for the deduction of super-tax from dividends in accordance with the provisions of sub-section (3D) or (3E) of section 18 of that Act, and

(b) is a public company with total income not exceeding Rs. 25,000 ;

(ii) a rebate at the rate of two annas per rupee of the total income shall be allowed in the case of any company which satisfies condition (a), but not condition (b), of the preceding clause ; and

(iii) a rebate at the rate of one anna per rupee of the total income shall be allowed in the case of any company which, not being entitled to a rebate under either of the preceding clauses, is—

(a) a public company whose shares were offered for sale in a recognised stock exchange at any time during the previous year, or

(b) a company all of whose shares were held at the end of the previous year by one or more such public companies as aforesaid :

Provided further that the super-tax payable by a company the total income of which exceeds Rs. 25,000 shall not exceed the aggregate of—

(a) the super-tax which would have been payable by the company if its total income had been Rs. 25,000, and

(b) half the amount by which its total income exceeds Rs. 25,000.

Explanation. For the purposes of this paragraph of this Part, a company shall be deemed to be a public company only if it is neither a private company within the meaning of the Indian Companies Act, 1913 (VII of 1913), nor a company in which shares carrying more than fifty per cent. of the total voting-power were, at any time during the previous year, held or controlled by less than six persons.

THE SECOND SCHEDULE

(*See* section 5).

Goods on which additional duty of customs is not leviable

Goods comprised in the following Items of the First Schedule to the Indian Tariff Act, 1934, namely :—

2, 4(1), 4(3), 4(4), 4(5), 7(1), 8(1), 8(4), 8(5), 9(6), 9(7), 12(6), 13(8), 13(9), 15(5), 15(9), 15(10), 15(11), 15(12), 16, 16(1), 16(3), 20(6), 20(7), 21(4), 21(5), 21(6), 21(7), 21(8), 21(9), 22(3), 22(5), 27(1), 27(3), 27(4), 27(9), 28(21), 28(22), 28(23), 28(24), 28(25), 28(26), 28(27), 28(28), 28(29), 28(30), 30(1), 30(2), 30(11), 30(12), 30(13), 31(4), 40(6), 40(7), 44(1), 45(3), 49(c), 49(2), 52(4), 53(2), 55(1), 55(2), 55(3), 60(4), 60(5), 61(11),

71(9), 71(10), 72(4), 72(5), 72(26), 72(27), 72(28), 73(4), 73(8), 73(9), 73(10), 73(11), 73(12), 74(4), 76, 77(4), 78(1), 79 and 84(1).

THE THIRD SCHEDULE

(*See* section 5)

Goods on which additional duty of customs at 5 per cent. is leviable

Goods comprised in the following Items of the First Schedule to the Indian Tariff Act, 1934, namely,—

4, 8(2), 9(3), 9(5), 11(2), 11(4), 11(5), 11(6), 13(4), 15, 20(2), 21(3), 24, 24(1), 24(2), 24(3), 25(1), 27(2), 27(4), 27(5), 27(6), 27(7), 27(8), 28, 28(4), 28(8), 28(14), 28(15), 28(16), 28(17), 28(18), 28(19), 28(20), 28(31), 29, 29(1), 30, 30(7), 30(9), 30(10), 34(3), 40(4), 40(5), 43, 44, 45, 45(4), 45(5), 46, 46(3), 47, 51, 55, 60, 60(2), 60(3), 60(6), 60(7), 61(2), 61(3), 61(8), 61(9), 62(1), 62(2), 63(14), 63(30), 63(31), 63(32), 63(33), 63(34), 63(35), 64, 64(3), 64(4), 65, 66, 66(1), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(2), 70(3), 70(4), 70(5), 70(6), 70(9), 71(2), 71(3), 71(7), 71(8), 71(11), 72, 72(1), 72(2), 72(3), 72(11), 72(12), 72(13), 72(14), 72(15), 72(16), 72(17), 72(18), 72(19), 72(20), 72(21), 72(22), 72(23), 72(24). 72(25), 72(33), 72(34), 73(2), 73(7), 73(14), 73(15), 73(16), 74(2), 75, 75(1), 75(2), 75(3), 75(5), 75(6), 75(7), 75(8), 75(9), 75(10), 75(11), 75(12), 75(13), 77(2), 77(5), 78, 82(1), 82(3), 84, 85, and 85(1).

The Codes of Civil and Criminal Procedure (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 1st May, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 2nd May 1951.

Act No. XXIV of 1951.

An Act further to amend the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898.

[*1st May, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Codes of Civil and Criminal Procedure (Amendment) Act, 1951.

2. *Amendment of Act V of 1908.*—In the Code of Civil Procedure, 1908,—

(i) to section 113, the following proviso shall be added, namely :—

'Provided that where the court is satisfied that a case pending before it involves a question as to the validity of any Act, Ordinance or Regulation or of any provision contained in an Act, Ordinance or Regulation, the determination of which is necessary for the disposal of the case, and is of opinion that such Act, Ordinance, Regulation or provision is invalid or inoperative, but has not been so declared by the High Court to which that court is subordinate or by the Supreme Court, the court shall state a case setting out its opinion and the reasons therefor, and refer the same for the opinion of the High Court.

Explanation.—In this section, "Regulation" means any Regulation of the Bengal, Bombay or Madras Code or Regulation as defined in the General Clauses Act, 1897, or in the General Clauses Act of a State.' ;

(ii) in Order XLVI of the First Schedule, —

(a) after rule 4, the following rule shall be inserted, namely :—

"4A. The provisions of rules 2, 3 and 4 shall apply to any reference by the court under the proviso to section 113 as they apply to a reference under rule 1" ; and

(b) in rule 5, after the words and figure "under rule 1" the words and

figures "or under the proviso to section 113" shall be inserted.

3. *Substitution of new section for section 432 in Act V of 1898.*—For section 432 of the Code of Criminal Procedure, 1898, the following section shall be substituted, namely :—

'432. *Reference to High Court.*—(1) Where any court is satisfied that a case pending before it involves a question as to the validity of any Act, Ordinance or Regulation or of any provision contained in an Act, Ordinance or Regulation, the determination of which is necessary for the disposal of the case, and is of opinion that such Act, Ordinance, Regulation or provision is invalid or inoperative, but has not been so declared by the High Court to which that court is subordinate or by the Supreme Court, the court shall state a case setting out its opinion and the reasons therefor, and refer the same for the decision of the High Court.

Explanation.—In this section, "Regulation" means any Regulation of the Bengal, Bombay or Madras Code or Regulation as defined in the General Clauses Act, 1897, or in the General Clauses Act of a State.

(2) A presidency Magistrate may, if he thinks fit in any case pending before him to which the provisions of sub-section (1) do not apply, refer for the decision of the High Court any question of law arising in the hearing of such case.

(3) Any court making a reference to the High Court under sub-section (1) or sub-section (2) may, pending the decision of the High Court thereon, either commit the accused to jail or release him on bail to appear when called upon.

The Jallianwala Bagh National Memorial Act, 1951.

The following Act of Parliament received the assent of the President on the 1st May, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 2nd May 1951.

Act No. XXV of 1951

An Act to provide for the erection and management of a National Memorial to perpetuate the memory of those killed or wounded on the 13th day of April, 1919, in Jallianwala Bagh.

[*1st May, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.* This Act may be called the Jallianwala Bagh National Memorial Act, 1951.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Memorial" means the Jallianwala Bagh National Memorial to perpetuate the memory of those killed or wounded on the 13th day of April, 1919, on the site known as the Jallianwala Bagh, Amritsar ;

(b) "Trust" means the Trust for the erection and management of the Memorial ;

(c) "Trustees" means the Trustees of the Jallianwala Bagh National Memorial.

3. *Objects of the Trust.*—The objects of the Trust shall be—

(a) to erect and maintain suitable buildings, structures and parks at or near the site of the Jallianwala Bagh in the city of Amritsar, to perpetuate the memory of those who were killed or wounded on the 13th day of April, 1919, on the said site ;

(b) to acquire lands, buildings and other properties for the purposes of the Trust ; and

(c) to raise and receive funds for the purposes of the Memorial.

4. *Trustees of the Jallianwala Bagh National Memorial.*—(1) The

Trustees of the Jallianwala Bagh National Memorial shall be the following, namely :—

(a) Shri Jawaharlal Nehru,
(b) Dr. Saifuddin Kitchlew,
(c) Maulana Abul Kalam Azad,
(d) the President of the Indian National Congress,
(e) the Governor of the State of Punjab,
(f) the Chief Minister of the State of Punjab, and
(g) three persons nominated by the Central Government.

(2) The Trustees shall be a body corporate with perpetual succession by the name of the "Trustees of the Jallianwala Bagh National Memorial" and a common seal, and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts and to do all acts necessary for, and consistent with, the purposes of this Act.

5. *Term of office of Trustees.*—(1) The three Trustees mentioned in clauses (a), (b) and (c) of sub-section (1) of section 4 shall be Trustees for life.

(2) Every Trustee nominated under clause (g) of the said sub-section shall be a Trustee for a period of five years, and shall be eligible for renomination.

6. *Property vested in Trustees* All the property and funds set out in the Schedule to this Act and all other property, whether movable or immovable, which may hereafter be given, bequeathed or otherwise transferred for the purposes of the Memorial or acquired for the said purposes shall vest in the Trustees.

7. *Power of Trustees to appoint committee of management.*—(1) For the purposes of managing the affairs of the Trust, the Trustees may, by resolution, passed at a meeting, appoint a committee of management, and entrust to it such powers, duties and functions, under such directions and limitations, as may be defined by such resolution.

(2) The Trustees may appoint any persons as members of the committee of management, whether such persons are Trustees or not, and may, from time to time, vary or rescind any resolution passed by it under this section.

8. *Validity of acts of Trustees not to be questioned by reason of vacancy, etc.*—No act of the Trustees shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of, the body of Trustees.

9. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which funds belonging to the Memorial shall be kept, deposited or invested ;

(b) the mode of authentication of orders for payment of money by the Trustees ;

(c) the form in which accounts shall be kept by the Trustees and the audit and publication of such accounts ;

(d) the laying out, erection, improvement, maintenance and management of the Memorial and the care and custody of the properties thereof ;

(e) the conditions under which the public shall have access to the Memorial or particular parts thereof and the regulation of the conduct of persons entering the precincts of the Memorial ;

(f) the preservation of, and the prevention of injury to or interference with, any property vested in the Trustees and the prevention of persons from trespassing into any particular part of the Memorial.

(3) A rule made under this section may provide that a breach of any rule made under clauses (e) and (f) of sub-section (2) shall be punishable with fine which may extend to one hundred rupees.

10. *Power of Trustees to make regulations.*—The Trustees may make regulations consistent with this Act for all or any of the following purposes, namely :—

(a) the manner in which meetings of the Trustees shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings ;

(b) the manner in which a majority decision of the Trustees shall be obtained by circulation to the Trustees of the matter requiring decision ;

(c) the term of office of members of the committee of management, their powers and duties, and the circumstances in which and the conditions subject to which such powers and duties may be exercised ;

(d) the appointment of such officers and servants as may be necessary for the purposes of the Trust, and their terms and conditions of service.

THE SCHEDULE

(*See* section 6)

[*Properties vested in Trustees at commencement of Act.*]

PART I—IMMOVABLE PROPERTIES.

1. The piece of land known as the Jallianwala Bagh, Amritsar, measuring 49 kanals 17 marlas, that is to say, 6 37/160 acres or thereabouts.

2. Two pieces of land, one measuring 49½ by 31 feet or thereabouts, and the other 35 by 9¼ yards on the east and by 8 yards on the west or thereabouts, and conveyed to the then Trustees of the Memorial by a deed of sale, registered on the 20th September, 1920 as No 5960, Bahi No. 1, Volume No 1572, pages 19 to 46 of the office of the Registrar, Amritsar.

3. All the buildings and other structures standing on the lands referred to in items 1 and 2 above.

PART II—MOVABLE PROPERTIES

Item No.	Description of investments	Amount		
		Rs.	A.	P.
1.	Government of Madras, 3% loan, 1952, No. D. H. 000034.	25,000	0	0
2.	Government of Madras, 3% loan, 1952, No. D. H. 000035.	25,000	0	0
3.	Fixed Deposit in the Central Bank of India, Ltd., Amritsar.	1,10,000	0	0
4.	Interest accrued on Item 3 up to 14th November, 1950.	2,750	0	0
5.	In current account in the Central Bank of India, Ltd. Amritsar.	6,586	1	1
6.	Government of Uttar Pradesh loan, 1960, purchased through the Punjab National Bank, Amritsar.	49,675	1	4
7.	Amount placed in sundries in the Punjab National Bank, Amritsar.	4,700	12	8
8.	Fixed Deposit in the Bank of Nagpur, Ltd., Wardah, under receipt No. 00518	1,13,270	5	6

9.	Interest on Item 8 above	3,681	4 0
10.	Fixed Deposit in the Bank of Nagpur. Ltd, Wardah, under receipt No. 00519	40,336	13 0
11.	Interest on Item 10 above	1,310	14 0
12.	In current account with Messrs. Bachharaj and Co., Ltd., Bombay	9,573	6 0
13.	Cash in hand on 24th November, 1950	1,872	9 9
14.	Moneys due from Government by way of refund of excess income-tax	Amount not known.	

The Representation of the People (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 5th May, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 7th May 1951.

Act No. XXVII of 1951.

An Act further to amend the Representation of the People Act, 1950.

[*5th May, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Representation of the People (Amendment) Act, 1951.

2. *Insertion of new section 3A in Act XLIII of 1950.*—After section 3 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"3A. *Reservation of seats in the House of the People for scheduled castes and scheduled tribes in certain Part C States.*—(1) Of the seats in the House of the People allotted under section 3 to each of the States of Delhi, Himachal Pradesh and Vindhya Pradesh, one shall be reserved for the scheduled castes ; and of the seats so allotted to each of the States of Manipur and Vindhya Pradesh, one shall be reserved for the scheduled tribes.

(2) For the purposes of this Act, the castes specified in the Sixth Schedule shall be the scheduled castes in relation to the Part C State under which they are so specified, and the tribes specified in the Seventh Schedule shall be the scheduled tribes in relation to the Part C State under which they are so specified."

3. *Addition of Sixth and Seventh Schedules to Act XLIII of 1950.*—After the Fifth Schedule to the principal Act, the following Schedules shall be inserted, namely :—

"SIXTH SCHEDULE

[*See* section 3A(2).]

(*Scheduled Castes in certain Part C States.*)

Delhi.

1. Adi-Dharmi.
2. Agria.
3. Aheria.
4. Balai.
5. Banjara.
6. Bawaria.
7. Bazigar.
8. Bhangi.
9. Bhil.
10. Chamar.
11. Chanwar Chamar.
12. Chohra (Sweeper).
13. Chuhra (Balmiki).
14. Dhanak or Dhanuk.
15. Dhobi.
16. Dom.
17. Gharrami.
18. Jatya or Jatav Chamar.
19. Julaha (Weaver).
20. Kabirpanthi.
21. Kachbandha.
22. Kanjar.
23. Khatik.
24. Koli.
25. Lalbegi.
26. Madari.
27. Mallah.
28. Mazhabi.
29. Megwal.
30. Mochi.
31. Nat (Rana).
32. Pasi.

33. Perna.
34. Ram Dasia.
35. Ravidasi or Raidasi.
36. Rehgarh or Raigar.
37. Sansi.
38. Sapera.
39. Sikligar.
40. Singiwala or Kalbelia.
41. Sirkiband.

Himachal Pradesh.

1. Ad-dharmi.
2. Balmiki or Chura or Bhangi or Sweeper.
3. Bangali.
4. Banjara.
5. Barar
6. Bawaria.
7. Bazigar.
8. Besi.
9. Bhanjra.
10. Chamar.
11. Chanal.
12. Dagi.
13. Daole.
14. Dhaki or Toori.
15. Doom or Doomna.
16. Kabirpanthi or Julaha or Keer.
17. Koli.
18. Mazhabi.
19. Mochi.
20. Nat.
21. Od.
22. Pasi
23. Phrera.
24. Ramdasi or Ravidasi.
25. Ramdasia.
26. Rehar.
27. Sansi.
28. Sapela.
29. Sikligar.
30. Sirkiband.

Vindhya Pradesh.

1. Basor (Bansphor).
2. Chamar.
3. Dahait.
4. Dharkar.
5. Dher.
6. Dom.
7. Domar or Doris.
8. Kuchbandhia.
9. Mehtar or Bhangi or Dhanuk.
10. Mochi.

SEVENTH SCHEDULE

[*See* section 3A(2).]

(*Scheduled Tribes in certain Part C States*).

Manipur

1. Any Kuki tribe.
2. Any Lushai tribe.
3. Any Naga tribe.

Vindhya Pradesh.

1. Agariya.
2. Baiga.
3. Bhumiya.
4. Gond.
5. Kamar.
6. Khairwar.
7. Majhi.
8. Mawasi.
9. Panika.
10. Pao"

The Tax on Newspapers (Sales and Advertisements) Repeal Act, 1951.

The following Act of Parliament received the assent of the President on the 5th May, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 7th May 1951.

Act No. XXVIII of 1951.

An Act to provide for the repeal of certain State laws in so far as they sanction the levy of taxes on the sale or purchase of newspapers and on advertisements published therein.

[*5th May, 1951*]

Be it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Tax on Newspapers (Sales and Advertisements) Repeal Act, 1951.

2. *Madras Act IX of 1939 not to authorise taxes on sale of newspapers.*—In clause (vi) of section 5 of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), the words "and of newspapers, that is to

say, of periodical works containing public news or comments on public news" shall be omitted ; and so much of that Act as authorises the levy of a tax on the sale of newspapers shall be deemed to have been repealed on the 1st day of January, 1951.

3. *Repeal of Part VII of Bombay Act II of 1932.*—Part VII of the Bombay Finance Act, 1932 (Bombay Act II of 1932), shall be deemed to have been repealed on the 1st day of April, 1951.

4. *Savings.*—For the removal of doubts it is hereby declared that section 6 of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal by this Act of certain provisions of the Madras General Sales Tax Act, 1939, and the Bombay Finance Act, 1932, as it applies to the repeal of enactments.

The Inland Steam-Vessels (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 3rd May, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 4th May 1951.

Act No. XXVI of 1951

An Act further to amend the Inland Steam-vessels Act, 1917.

[*3rd May, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Inland Steam-vessels (Amendment) Act, 1951.

(2) This section and sections 2 and 9 shall come into force at once, and the remaining sections shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1, Act I of 1917.* In section 1 of the Inland Steam-vessels Act, 1917 (hereinafter referred to as the principal Act), for sub-sections (2) and (3), the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir :

Provided that it shall not come into force in the States of Travancore-Cochin and Madras or in that part of the State of Orissa which on the 31st day of March, 1936, was included in the State of Madras, unless the State Government concerned, by notification in the Official Gazette, so directs".

3. *Insertion of new Chapter IIA in Act I of 1917.*—In the principal Act, after Chapter II, the following shall be inserted, namely :—

"CHAPTER IIA

REGISTRATION OF INLAND STEAM-VESSELS

19A. *Inland steam-vessels not to proceed on voyage or be used for service without certificate of registration.*—(1) An inland steam-vessel shall not proceed on any voyage or be used for any service, unless it has a certificate of registration in force in respect thereof and granted under this Act.

(2) Nothing in this section shall—

(a) apply to any steam-vessel built at any place other than a place of registry and making her first voyage to any such place for the purpose of registration ; or

(b) be in derogation of the provisions contained in section 3.

19B. *Place of registry and registering authorities.*—(1) The State Government may, by notification in the Official Gazette,—

(a) declare such places within the territories under its administration

as it thinks fit to be places of registry ; and

(b) appoint registering authorities at the said places for the purposes of this Act.

(2) Every person appointed as a registering authority shall, for the purposes of any registration made by him, be deemed to be a public servant within the meaning of the Indian Penal Code (Act XLV of 1860).

19C. *Book of registration.*—At every place of registry, a book shall be kept by the registering authority in which all the particulars contained in the form of the certificate of registration shall be duly entered and such registering authority shall, immediately after registering any inland steam-vessel or within one month at the furthest, send to the State Government a true and exact copy, together with the number, of every certificate which shall be so granted by it.

19D. *Application for registration.*—An application for registration of an inland steam-vessel shall be made by the owner or master of the vessel in such form and shall contain such particulars as may be prescribed and shall be accompanied by a copy of the certificate of survey in force issued in respect of the vessel.

19E. *Places of registration.* (1) Every application for registration shall be made to a registering authority within the local limits of whose jurisdiction the owner of the inland steam-vessel ordinarily resides or carries on business.

(2) Where the owner applying for a certificate of registration is a company registered under the Indian Companies Act, 1913 (VII of 1913), the application may be made to a registering authority within the local limits of whose jurisdiction the principal office of the company is situate.

(3) Notwithstanding anything contained in this section, an inland steam-vessel may be registered by a registering authority in any State, although the owner does not ordinarily reside or carry on business in that State or, if a company, the principal place of business of the company is not situate in that State :

Provided that the Government of the State in which the owner ordinarily resides or carries on business, or in the case of a company the Government of the State where the principal place of business of the company is situate, has accorded its previous approval thereto.

19F. *Grant of certificate of registration.*—(1) If, in respect of any inland steam-vessel, the registering authority, after making such inquiry as it thinks fit, is satisfied that the provisions of this Act or of any rules made thereunder have been complied with, it shall grant to the applicant therefor a certificate of registration comprising such particulars as may be prescribed on payment of the prescribed fee.

(2) A registering authority may refuse to register an inland steam-vessel, if she is found to be mechanically defective, or if the applicant fails to furnish satisfactory evidence in support of any of the statements made in his application :

Provided that where the registering authority refuses to register any inland steam-vessel, it shall furnish to the applicant a statement in writing containing the reasons for such refusal.

19G. *Automatic registration of inland steam-vessels registered under the Merchant Shipping Acts.*—Where an application is made under this Act for the registration of an inland steam-vessel registered under the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), as amended by any subsequent enactment, the registering authority shall, on receipt of such application and any fee that may be prescribed, and on being furnished with satisfac-

tory proof of the fact of such registration, grant to the applicant a certificate of registration under this Act.

19H. *Marking of inland steam-vessels.*—Where an inland steam-vessel has been registered under this Chapter, the registering authority shall assign to the vessel, to be displayed thereon conspicuously in the prescribed manner, a distinguishing mark, hereinafter in this Act referred to as the registration mark.

19I. *Prohibition against transfer of certificate of registration.*—(1) A certificate of registration granted in respect of any inland steam-vessel shall be used only for the lawful navigation of that vessel.

(2) A certificate of registration in respect of an inland steam-vessel issued by a registering authority in one State shall be valid for that State only, but where any such vessel plies in inland waters of more than one State, nothing in this section shall be deemed to require the owner or master of the vessel to obtain a fresh certificate of registration in relation to the State or States in which the vessel is not so registered :

Provided that the owner of the vessel has not ceased to reside or carry on business in the State in which the vessel was originally registered.

19J. *Registration of alterations*—(*1*) When an inland steam-vessel is so altered as not to correspond with the particulars relating to her or the description entered in the certificate of registration, then the owner of the vessel shall, within such period as may be prescribed, make a report of such alteration to the registering authority of the place where the vessel is registered

(*2*) The Report under sub-section (*1*) shall be made in such form and shall contain such particulars with respect to the alteration as may be prescribed and shall be accompanied by the certificate of registration in force in respect of the vessel at the time of the report.

(*3*) The registering authority, on receipt of the report under sub-section (*1*) and on payment of the prescribed fee, shall either cause the alteration to be registered or direct that the vessel be registered anew :

Provided that where the registering authority directs that the vessel be registered anew, it shall either grant a provisional certificate describing the vessel as altered or provisionally endorse the particulars of the alteration on the existing certificate.

(*4*) Any provisional certificate granted or endorsement made under the provisions of this section shall be valid for a period of one month from the date thereof, within which period the owner shall cause all necessary steps to be taken to have the vessel registered anew.

19K. *Transfer of registry.*—(*1*) The registry of an inland steam-vessel may be transferred from one place in a State to another place in another State on the application by the owner or master of the vessel to the registering authority of the place where the vessel is registered.

(*2*) On receipt of such application, the registering authority shall transmit notice thereof to the registering authority of the intended place of registry with a copy of all particulars relating to the vessel.

(*3*) The certificate of registration in respect of the vessel shall be delivered up to the registering authority either of the existing or intended place of registry, and, if delivered up to the former, shall be transmitted to the registering authority of the intended place of registry.

(*4*) On receipt of the documents referred to in sub-sections (*2*) and (*3*) and the prescribed fee, if any, the registering authority of the intended place of registry shall enter in its register book all the particulars so transmitted as aforesaid and grant a fresh certificate of registration in respect of the vessel and thenceforth such vessel shall be considered as registered at the new place of registry.

19L. *Change of residence or place of business.*- (*1*)—If the owner of an inland steam-vessel ceases to reside or carry on business at the address recorded in the certificate of registration of the vessel, he shall, within thirty days of the change of address, intimate his new address to the registering authority by which the certificate of registration was granted, or, if the new address is within the jurisdiction of another registering authority, to that registering authority, and shall at the same time forward the certificate of registration to the registering authority in order that the new address may be entered thereon.

(2) Where a registering authority other than the original registering authority makes any such entry, it shall communicate the new address to the original registering authority.

19M. *Prohibition against transfer of ownership of registered vessel.*—(*1*) An inland steam-vessel registered under this Act in one State shall not be transferred to a person resident in another State in India or in any country outside India, without the previous approval of the Government of the State in which the vessel is registered.

Provided that where an inland steam-vessel is also registered under the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), as amended by any subsequent enactment, this sub-section shall have effect as if for the words " the Government of the State in which the vessel is registered " the words " the Central Government " had been substituted.

(*2*) Subject to the provisions of sub-section (*1*), the owner of an inland steam-vessel registered under this Act and the transferee thereof shall, within thirty days of the transfer of ownership of the said vessel to the transferee, jointly make a report of the transfer to the registering authority within the local limits of whose jurisdiction the transfree resides or carries on business and shall also forward the certificate of registration to that registering authority, together with the prescribed fee, in order that particulars of the transfer of ownership may be entered thereon.

19N. *Suspension of Certificates of registration.*— (*1*) A registering authority may suspend, for such period and subject to such conditions as it thinks fit, the certificate of registration of an inland steam-vessel, if it has reason to believe that, after the granting of the certificate the vessel has become unfit to ply in inland waters.

(*2*) Where the registration of an inland steam-vessel is suspended under sub-section (1) for a period of not less than one month, the registering authority ordering the suspension shall, if it is not the original registering authority, inform that other authority of the fact of such suspension.

(*3*) The registering authority suspending the certificate may require the owner or master of the vessel to deliver up the certificate so suspended to itself or, if it is not the original registering authority, to that other authority.

(*4*) A certificate of registration surrendered under this section shall be returned to the owner when the order suspending the certificate has

been rescinded or has ceased to operate.

19O. *Cancellation of registration.*—(*1*) If an inland steam-vessel has been destroyed or has been rendered permanently unfit for service, the owner of the vessel shall, with the least practicable delay, report the fact to the registering authority of the place where the vessel is registered and shall also forward to that authority, along with the report, the certificate of registration of the vessel and thereupon the registering authority shall have the certificate of registration cancelled.

(2) Any registering authority may at any time require that any inland steam-vessel within the local limits of its jurisdiction may be inspected by such authority as the State Government may, by general or special order, appoint in this behalf and, if as a result of such inspection, the registering authority is satisfied that the vessel is in such a condition that it is not fit to ply in any inland water, the registering authority may, after giving the owner of the vessel an opportunity of being heard, cancel the registration of the vessel and require the owner thereof to surrender forthwith to the registering authority, the certificate of registration in respect of that vessel, if it has not already been so surrendered.

19P. *Appeals.*—(1) Any person aggrieved by an order—

(a) refusing to register any inland steam-vessel under section 19F ; or

(b) suspending a certificate of registration under section 19N ; or

(c) cancelling a certificate of registration under sub-section (2) of section 19O,

may, within thirty days of the date on which he receives notice of such order, appeal against it to the State Government.

(2) The State Government shall cause notice of every such appeal to be given to the registering authority concerned in such manner as may be prescribed, and after giving an opportunity to that authority and to the appellant to be heard shall pass such order thereon as it thinks fit

19Q. *Reciprocity.*—Where the Central Government is satisfied that by the law or practice of any country outside India, inland steam-vessels having a certificate of registration in force under this Act—

(a) obtain by reason of such registration any special exemption in that country while plying in the inland waters thereof, or

(b) are required as a condition of plying in the inland waters of that country to comply with any special requirement, whether by way of registration anew or payment of a fee or otherwise,

the Central Government may, by notification in the Official Gazette, for the purpose of reciprocity, direct that the same exemption or requirement, or an exemption or a requirement as similar thereto as may be, be granted to, or imposed upon, inland steam-vessels registered in that country while plying in the inland waters of the territories to which this Act extends.

19R. *Power to make rules.*—(1) The State Government may make rules to carry out the objects of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the powers, duties and functions of registering authorities and the local limits of their jurisdiction ;

(b) prescribe the form of, and the particulars to be contained in, applications for, and certificates of, registration ;

(c) provide for the form and manner in which books of registration shall be maintained under this Chapter ;

(d) provide for the issue of duplicate certificates of registration to replace certificates lost, destroyed or mutilated ;

(e) prescribe, subject to the approval of the Central Government, the fees to be charged for the registration of inland steam-vessels or for any other action to be taken by the registering authority under this Chapter, and provide for the exemption of any person or class of persons from payment of the whole or any part of any such fees ;

(f) prescribe the period within which, and the manner in which, the owner of an inland steam-vessel shall make a report of any alteration in the vessel under section 19J ;

(g) prescribe the manner in which appeals to the State Government may be preferred under this Chapter and the fees payable in respect of any such appeal ;

(h) provide for any other matter which is to be or may be prescribed under this Chapter."

4. *Amendment of section 55, Act I of 1917.*—In section 55 of the principal Act, after the word and figure "section 3", in both the places where they occur, the words, figures and letter "or section 19A" shall be inserted.

5. *Amendment of section 56, Act I of 1917.*—In section 56 of the principal Act, after the words and figures "as required by section 10" the words, figures and letter "or if the registration mark is not displayed as required by section 19H" shall be inserted.

6. *Substitution of new section for section 57, Act I of 1917.* For section 57 of the principal Act, the following section shall be substituted, namely :—

"57. *Penalty for neglect or refusal to deliver up or surrender certificates of survey or registration.*—If the owner or master of an inland steam-vessel without reasonable cause neglects or refuses—

(a) to deliver up a certificate of survey when required under section 14 so to do ; or

(b) to deliver up a certificate of registration when required under section 19N so to do ; or

(c) to surrender a certificate of registration as required by section 19O, he shall be punishable with fine, which may extend to one hundred rupees."

7. *Insertion of new section 63A in Act I of 1917.* After section 63 of the principal Act, the following section shall be inserted, namely :

"63A. *General provision for punishment of offences not otherwise provided for.*—If any person contravenes any of the provisions of this Act for which no other penalty is provided in this Act, he shall be punishable with fine which may extend to two hundred rupees."

8. *Amendment of section 68, Act I of 1917.*—In section 68 of the principal Act, for the words and figures "Chapters II and III", the words, figures and letter 'Chapters II, IIA and III", shall be substituted.

9. *Insertion of new section 75 in Act I of 1917.*—After section 74 of the principal Act, the following section shall be inserted, namely :—

"75. *Repeal and saving.*—(1) If immediately before the day on which this Act comes into force in a Part B State, there is in force in that State any law which corresponds to this Act, such corresponding law shall, on that day stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, and any penalty incurred or proceeding commenced under such corresponding law shall be deemed to be a penalty incurred or pro-

ceeding commenced under this Act, as if this Act were in force on the day on which such thing was done, action taken, penalty incurred, or proceeding commenced."

The Vishva-Bharati Act, 1951.

The following Act of Parliament received the assent of the President on the 9th May, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 9th May, 1951.

Act No. XXIX of 1951.

An Act to declare the institution known as "Vishva-Bharati" to be an institution of national importance and to provide for its functioning as a unitary, teaching and residential university.

[*9th May, 1951*]

Be it enacted by Parliament as follows :—

PRELIMINARY

1. Short title and commencement.— (1) This Act may be called the Vishva-Bharati Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint

2. Declaration of Vishva-Bharati as an institution of national importance.— Whereas the late Rabindranath Tagore (Thakur) founded an institution known as Vishva-Bharati at Santiniketan in the district of Birbhum in West Bengal the objects of which are such as to make the institution one of national importance, it is hereby declared that the institution known as 'Vishva-Bharati' aforesaid is an institution of national importance

3. Definitions.—In this Act and in all Statutes made hereunder, unless the context otherwise requires,—

(a) "Shiksha Samiti" (Academic Council) means the Shiksha Samiti (Academic Council) of the University,

(b) "Alumni Association" means the Association of the Alumni of the University constituted under the provisions of this Act and the Statutes;

(c) "Samsad" (Court) means the Samsad (Court) of the University;

(d) "Karma Samiti" (Executive Council) means the Karma Samiti (Executive Council) of the University;

(e) "Bhavan" (Hall) means a unit of residence with provision for tutorial instruction for students provided or recognised by the University;

(f) "Chatravasa" (Hostel) means a unit of residence for students provided or recognised by the University;

(g) "Statutes", "Ordinances" and "Regulations" means respectively the Statutes, Ordinances and Regulations of the University for the time being in force;

"teachers" means such persons as are engaged in imparting instruction and guiding students in practical work or otherwise in the University and in the institutions under its control, and includes professors, readers, lecturers, demonstrators and other grades of teachers appointed by the University;

(i) "University" means the institution known as Vishva-Bharati incorporated as a University under this Act.

THE UNIVERSITY.

4. Incorporation.—The first Acharya (Chancellor) and Upacharya

Vice-Chancellor) of the University who shall be the persons appointed in this behalf by the Central Government by notification in the Official Gazette, and the first members of the Samsad (Court), and all persons, who may hereafter become or be appointed as such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of Vishva-Bharati, and shall have perpetual succession and a common seal, and shall sue and be sued by that name.

5. Effect of incorporation of the University in certain cases.—On and from the commencement of this Act,—

(i) all references in any enactment to the Society of the name of Vishva-Bharati registered on the 16th May, 1922, under the Societies Registration Act, 1860 (XXI of 1860) shall be construed as references to the University ;

(ii) any will, deed or other document whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the said Society shall, on the commencement of this Act be construed as if the University was therein named instead of the said Society;

(iii) subject to the provisions of this Act, every person employed immediately before the commencement of this Act in the said Society shall hold employment in the University by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity as he would have held under the said Society, if this Act had not been passed;

Provided that if the University decides to alter the terms and conditions of service of any such employee, a fresh contract shall be executed for the purpose, and if the employee is not agreeable to serve under the new terms and conditions, his services may be terminated in accordance with his original contract of employment or, if no provision is made therein in this behalf, on payment to him by way of compensation, of an amount equal to his salary for six months.

6. Powers of the University.—The University shall exercise the following powers and perform the following duties, namely:—

(a) to provide for research and instruction in such branches of learning as may be deemed desirable and be found practicable and for the promotion of understanding of cultures between the East and the West and for the advancement of learning and dissemination of knowledge generally;

(b) to maintain schools, colleges and Bhavans (halls) or recognise schools, colleges and Bhavans (halls) not maintained by the University and to withdraw such recognition;

(c) to organise, establish, carry on and maintain, or dissolve or give up, new branches, or affiliate, carry on and maintain or disaffiliate associated institutions having objects similar to those of the University;

(d) to co-operate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the University by exchange of teachers, scholars and generally in such manner as may be conducive to their common objects;

(e) to provide for the promotion of rural reconstruction, social welfare, development of cottage industries, and all other nation-building activities and works of public benefit;

(f) to hold examinations and grant such degrees, diplomas and other academic distinctions or titles to persons as may be laid down in the Statutes, Ordinances or Regulations;

(g) to institute and appoint persons to professorships, readerships, lectureships, fellowships and chairs or posts of any description;

(h) to frame statutes, Ordinances or Regulations, and alter, modify or rescind the same;

(i) to receive gifts, donations or benefactions from Government and to receive bequests, donations, and transfers of movable or immovable properties from testators, donors or transferors, as the case may be;

(j) to deal with any property belonging to or vested in the University in such manner as to the University may seem fit for advancing the objects of the University;

(k) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University, and in particular the attainment of the objects set out in the First Schedule for which the institution known as Vishva-Bharati was founded by the late Rabindranath Tagore.

7. Territorial jurisdiction of the University.—Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall be restricted to the area specified in the Second Schedule

8. University to be open to all races, creeds and classes.—The University shall be open to all persons irrespective of sex, nationality, race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers, workers, or in any other connection whatsoever, except in respect of any particular benefaction accepted by the University of which such test is made a condition by the instrument creating such benefaction:

Provided that no benefaction shall hereafter be accepted which in the opinion of the authorities of the University involves conditions or obligations opposed to the spirit and object of this section:

Provided further that nothing in this section shall be deemed to prevent religious instruction being given in any manner approved of by the authorities concerned to those who have given their consent thereto by teachers duly and properly authorised for that purpose.

9. Teaching at the University.—All teaching in the University shall be conducted by and in the name of the University in accordance with the Statutes and Ordinances made in this behalf

THE PARIDARSAKA (VISITOR)

10. The Paridarsaka (Visitor).—(1) The President shall be the Paridarsaka (Visitor) of the University.

(2) The Paridarsaka (Visitor) shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any institution maintained by the University and also of the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the University.

(3) The Paridarsaka (Visitor) shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat

(4) The Paridarsaka (Visitor) may address the Upacharya (Vice-Chancellor) with reference to the result of such inspection and inquiry, and the Upacharya (Vice-Chancellor) shall communicate to the Karma Samiti (Executive Council) the views of the Paridarsaka (Visitor) with such advice as the Paridarsaka (Visitor) may offer upon the action to be taken thereon.

(5) The Karma Samiti (Executive Council) shall communicate through the Upacharya (Vice-Chancellor) to the Paridarsaka (Visitor) such action, if any, as it is proposed to take or has been taken on the result of such inspection or inquiry.

(6) When the Paridarsaka (Visitor) has, in pursuance of this section addressed the Upacharya (Vice-Chancellor) in connection with any financial or administrative matter relating to the University and the Karma Samiti (Executive Council) does not, within a reasonable time, take action to the satisfaction of the Paridarsaka (Visitor) in respect thereof, the Paridarsaka (Visitor) may, after considering any explanation furnished or representation made by the Karma Samiti (Executive Council), issue such directions as he may think fit, and the Karma Samiti (Executive Council) shall comply with such directions.

(7) The Karma Samiti (Executive Council) shall report to the Samsad (Court) at the next annual meeting the action, if any, that may have been taken or is proposed to be taken as a result of the inquiry made and the advice given by the Paridarsaka (Visitor).

THE PRADHANA (RECTOR)

11. The Pradhana (Rector).—The Governor of West Bengal shall be the Pradhana (Rector) of the University.

OFFICERS OF THE UNIVERSITY

12. Officers of the University.—The following shall be the officers of the University :—

(i) the Acharya (Chancellor),

(ii) the Upacharya (Vice Chancellor),

(iii) the Artha Sachiva (Treasurer),

(iv) the Karma- Sachiva (Registrar), and

(v) such other officers as may be declared by the Statutes to be officers of the University.

13. The Acharya (Chancellor).—(1) The successors to the first Acharya (Chancellor) shall be elected by the Samsad (Court) in the manner prescribed by the Statutes.

(2) The Acharya (Chancellor) shall hold office for three years, and by virtue of his office, be the Head of the University.

(3) The Acharya (Chancellor) shall, if present, preside at the Convocations of the University and at meetings of the Samsad (Court).

(4) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Acharya (Chancellor).

(5) The Acharya (Chancellor) shall have such other powers as may be conferred on him by this Act or the Statutes.

14. The Upacharya (Vice-Chancellor).—(1) The Upacharya (Vice-Chancellor) shall be the principal academic and executive officer of the University, and the terms and conditions of service of the Upacharya (Vice-Chancellor) shall be as laid down by the Statutes.

(2) The Upacharya (Vice-Chancellor) shall exercise such powers and perform such functions as may be prescribed by the Statutes.

(3) The mode of appointment of the successors to the first Upacharya (Vice-Chancellor) shall be as laid down in the Statutes.

15. The Artha-Sachiva (Treasurer).—The Artha-Sachiva (Treasurer) shall be appointed in such manner, upon such conditions and for such period as may be laid down in the Statutes, and shall exercise general supervision over the funds of the University and shall perform such functions as may be prescribed by the Statutes and the Ordinances.

16. The Karma-Sachiva (Registrar).—The Karma-Sachiva (Registrar)

shall act as the Secretary to the Samsad (Court) and the Karma Samiti (Executive Council) of the University, and shall perform such functions as may be prescribed by the Statutes and the Ordinances and the manner and the terms and conditions of appointment of the Karma-Sachiva shall be laid down by the Statutes.

17. Other officers. The powers of officers of the University other than the Acharya (Chancellor), the Upacharya (Vice-Chancellor) and the Artha-Sachiva (Treasurer) shall be as prescribed by the Statutes.

AUTHORITIES OF THE UNIVERSITY.

18. Authorities of the University.—The following shall be authorities of the University :—

(1) the Samsad (Court),

(2) the Karma Samiti (Executive Council),

(3) the Shiksha Samiti (Academic Council), and

(4) such other authorities as may be declared by the Statutes to be authorities of the University.

19. The Samsad (Court).—(1) The Samsad (Court) shall consist of the following persons, namely :—

Class I—Ex-officio *members*

(i) the Acharya (Chancellor),

(ii) the Upacharya (Vice-Chancellor),

(iii) the Minister of Education in the Government of West Bengal,

(iv) the Artha-Sachiva (Treasurer),

(v) principals of colleges,

(vi) heads of departments.

Class II—Life members

(vii) persons who have been *pradhanas* of the Vishva-Bharati Society immediately before the commencement of this Act.

(viii) such persons as may be appointed by the Paridarsaka (Visitor) either on his own motion or on the recommendation of the Karma Samiti (Executive Council) to be life members of the Samsad (Court) on the ground that they have rendered eminent service to education.

Class III—Other members

(ix) representatives of the Alumni Association elected from among its own members,

(x) persons elected from among their own body by donors of such amounts as may be prescribed by the Statutes to or for the purposes of the University,

(xi) persons elected by Shiksha Samiti (Academic Council) from among its own members,

(xii) representatives of Parliament elected by it,

(xiii) persons co-opted by the Samsad (Court),

(xiv) persons nominated by the Paridarsaka (Visitor),

(xv) persons nominated by the Pradhana (Rector),

(xvi) persons nominated by the Acharya (Chancellor).

(2) The number of members to be appointed, elected, co-opted or nominated under clauses (viii) to (xvi) of sub-section (1) and the tenure of office of members to be elected, co-opted or nominated under each clause of Class III of that sub-section and the mode of election of members to be elected shall be prescribed by the Statutes.

20. Meetings of the Samsad (Court).—(1) The Samsad (Court) shall on a date to be fixed by the Upacharya (Vice-Chancellor), meet once a year at a meeting to be called the annual meeting of the Samsad (Court).

(2) The Upacharya (Vice-Chancellor) may, whenever he thinks fit,

and shall, upon a requisition in writing signed by not less than one-third of the members of the Samsad (Court), convene a special meeting of the Samsad (Court).

21. Powers and duties of the Samsad (Court).—(1) The Samsad (Court) shall be the supreme governing body of the University and shall exercise all the powers of the University, not otherwise provided for by this Act, the Statutes, the Ordinances and the Regulations, and shall have power to review the acts of the Karma Samiti and Shiksha Samiti (Executive and Academic Councils).

(2) Subject to the other provisions contained in this Act, the Samsad (Court) may—

(a) make Statutes ;

(b) consider the Ordinances and the Regulations ;

(c) consider and pass such resolutions on the annual report, the annual accounts and the financial estimates as it thinks fit ;

(d) elect such persons to serve on authorities of the University and appoint such officers as may be prescribed by this Act or the Statutes ; and

(e) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

22. The Karma Samiti (Executive Council).—The Karma Samiti (Executive Council) shall be the executive body of the University and its constitution and the term of office of its members shall be prescribed by the Statutes.

23. Powers and duties of the Karma Samiti (Executive Council).—The Karma Samiti (Executive Council)—

(a) shall hold, control and administer the property and funds of the University, and for these purposes it shall have a Standing Finance Committee whose constitution and powers and duties shall be defined by the Statutes ;

(b) shall determine the form, provide for the custody and regulate the use, of the common seal of the University ;

(c) shall submit to the Central Government annually a full statement of the financial requirements of the University ;

(d) shall administer any funds placed at the disposal of the University for specific purposes ;

(e) subject to the provisions of this Act and the Statutes, shall appoint the officers [other than the Acharya (Chancellor), the Upacharya (Vice-Chancellor), and the Artha-Sachiva (Treasurer)] teachers and other servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts ;

(f) shall have power to accept on behalf of the University transfers of any movable or immovable property ;

(g) shall appoint examiners after consideration of the recommendations of the Shiksha Samiti (Academic Council) ;

(h) shall arrange for the holding of, and publish the results of the University examinations ;

(i) may delegate, subject to such conditions as may be prescribed by the Ordinances its power to appoint officers, teachers and other servants of the University to such person or authority as the Karma Samiti (Executive Council) may determine ;

(j) shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes ;

Provided that no action shall be taken by the Karma Samiti (Executive Council) in respect of the number, qualifications and status of teachers, otherwise than on a recommendation of the Shiksha Samiti (Academic Council);

(k) shall exercise all other powers of the University not otherwise provided for by this Act or the Statutes.

24. The Shiksha Samiti (Academic Council).—(1) The Shiksha Samiti (Academic Council) shall be the academic body of the University, and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes and shall have the right to advice the Karma Samiti (Executive Council) on all academic matters.

(2) The constitution of the Shiksha Samiti (Academic Council) and the terms of office of its members shall be prescribed by the Statutes.

25. Other authorities of the University.—The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University shall be as provided for in the Statutes.

26. Alumni Association.—The University shall have an Alumni Association open to past students and past workers of the University, including members of the Asramika Sangha of the former Vishva-Bharati Society, on such conditions as may be laid down in the Statutes.

STATUTES, ORDINANCES AND REGULATIONS.

27. Statutes.—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(a) the conferment of honorary degrees ;

(b) the institution of fellowships, scholarships, exhibitions, medals and prizes ;

(c) the designations and powers, functions and duties of the officers of the University ;

(d) the terms of office and the method and conditions of election or appointment of the officers of the University ;

(e) the constitution, powers and duties of the authorities of the University ;

(f) the classification and mode of appointment and the determination of the terms and conditions of service of teachers of the University ;

(g) the institution and maintenance of Bhawanas (Halls) and Chatravasas (Hostels) ;

(h) the constitution of pension, insurance and provident fund for the benefit of the officers, teachers and other servants of the University ;

(i) the constitution and activities of Alumni Association ;

(j) the discipline of students ; and

(k) any other matters which by this Act are to be or may be prescribed by the Statutes.

28. Statutes how made.—(1) The first Statutes shall be framed by the first Acharya (Chancellor) and shall be subject to the approval of the Paridarsaka (Visitor).

(2) The Statutes may be amended, repealed or added to by Statutes made by the Samsad (Court) in the manner hereinafter appearing.

(3) The Karma Samiti (Executive Council) may propose to the Samsad (Court) the draft of any Statute to be passed by the Samsad (Court), and such draft shall be considered by the Samsad (Court) at its next

succeeding meeting. The Samsad (Court) may approve such draft and pass the Statute, or may reject it or return it to the Karma Samiti (Executive Council) for reconsideration, either in the whole or in part, together with any amendments which the Samsad (Court) may suggest.

(4) After any draft so returned has been further considered by the Karma Samiti (Executive Council), together with any amendments suggested by the Samsad (Court) returned thereto, it shall be again presented to the Samsad (Court) with the report of the Karma Samiti (Executive Council) thereon, and the Samsad (Court) may then deal with the draft in any way it thinks fit.

(5) Where any Statute has been passed or a draft of a statute or part thereof has been rejected by the Samsad (Court), it shall be submitted to the Paridarsaka (Visitor), who may refer the Statute or draft back to the Samsad (Court) for further consideration or, in the case of a Statute passed by the Samsad (Court), assent thereto or withhold his assent.

(6) A Statute passed by the Samsad (Court) shall have no validity until it has been assented to by the Paridarsaka (Visitor).

(7) The Karma Samiti (Executive Council) shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Samsad (Court), and shall be submitted to the Paridarsaka (Visitor).

(8) The Samsad (Court) may of its own motion take into consideration the draft of any Statute:

Provided that in any such case before a statute is passed effecting the powers or duties of the Acharya (Chancellor), the Upacharya (Vice-Chancellor) or the Artha-Sachiva (Treasurer) or any authority or board, the opinion of the Karma Samiti (Executive Council) and a report from the person or body concerned shall have been taken into consideration by the Samsad (Court).

29. Ordinances.—Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University ;

(b) the courses of study to be laid down for all degrees and diplomas of the University;

(c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University, and shall be eligible for degrees and diplomas;

(d) the conditions of the award of the fellowships, scholarships, exhibitions, medals and prizes;

(e) the conditions and mode of appointment and duties of examining bodies, examiners and moderators;

(f) the conduct of examinations;

(g) the conditions of residence of the students of the University and the levying of fees for residence in Bhawanas (Halls) and Chatravasas (Hostels) and of other charges;

(h) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, and diplomas of the University;

(i) the maintenance of discipline among the students of the University;

(j) the number and qualifications of teachers of the University;

(k) the formation of departments of teachers; and

(l) any other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

30. Ordinances, how made.—(1) Save as otherwise provided in this section, Ordinances shall be made by the Karma Samiti (Executive Council);

Provided that—

(a) no Ordinance shall be made affecting the admission or enrolment of students, or prescribing examinations to be recognised as equivalent to the University examinations unless a draft of the same has been proposed by the Shiksha Samiti (Academic Council); and

(b) no Ordinance shall be made affecting the conditions and mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study, except in accordance with a proposal of the Shiksha Samiti (Academic Council) and unless a draft of such Ordinance has been proposed by the Shiksha Samiti (Academic Council) in the manner prescribed by the Statutes; and

(c) no Ordinance shall be made affecting the conditions of residence of students, except after compliance with such conditions as may be prescribed by the Statutes.

(2) The Karma Samiti (Executive Council) shall not have the power to amend any draft proposed by the Shiksha Samiti (Academic Council) under the provisions of sub-section (1), but may reject it or return it to the Shiksha Samiti (Acadmic Council) for reconsideration either in whole or in part, together with any amendments which the Karma Samiti (Executive Council) may suggest

(3) All Ordinances made by the Karma Samiti (Executive Council) shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Paridarsaka (Visitor) and the Samsad (Court), and shall be considered by the Samsad (Court) at its next succeeding meeting.

(4) The Samsad (Court) shall have power by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to modify or cancel any such Ordinance and such Ordinance shall, from the date of such resolution, stand modified or cancelled as the case may be.

(5) The Paridarsaka (Visitor) may, at any time after any Ordinance has been considered by the Samsad (Court), signify to the Samsad (Court) and the Karma Samiti (Executive Council) his disallowance of such Ordinance, on the ground that it is repugnant to or contravene any of the provisions of this Act and from the date of receipt by the Karma Samiti (Executive Council) of intimation of such disallowance, such Ordinance shall become void

(6) The Paridarsaka (Visitor) may direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days from the date of consideration of the Ordinance by the Samsad (Court), whichever period expires later.

(7) Where the Karma Samiti (Executive Council) has rejected the draft of an Ordinance proposed by the Shiksha Samiti (Academic Council), the Shiksha Samiti (Academic Council) may appeal to the Samsad (Court) which, after obtaining the views of the Karma Samiti (Executive Council),

may, if it approves the draft, make the Ordinance and submit it to the Paridarsaka (Visitor), for approval.

31. Regulations.– (1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

(a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by the Regulations; and

(c) providing for all other matters solely concerning the authorities or committees appointed by them and not provided for by this Act, the Statutes and the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Karma Samiti (Executive Council) may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the amendment of any Regulation made under sub section (1).

32. Residence.—Every student of the University shall reside in a Bhavan (Hall) or Chatravasa (Hostel) or under such conditions as may be prescribed by the Statutes and the Ordinances.

ADMISSION AND EXAMINATIONS.

33. Admission.—Admission of students to the University shall be made in such manner as may be prescribed by the Ordinances.

34. Examinations.—Subject to the provisions of the Statutes, all arrangements for the Conduct of examinations shall be made by the Karma Samiti (Executive Council) in such manner as may be prescribed by the Ordinances.

ANNUAL REPORTS AND ACCOUNTS.

35. Annual reports.—(1) The annual report of the University shall be prepared under the directions of the Karma Samiti (Executive Council), and shall be submitted to the Samsad (Court) on or before such date as may be prescribed by the Statutes, and shall be considered by the Samsad (Court) at its annual meeting.

(2) The Samsad (Court) may pass resolutions on the annual report and communicate the same to the Karma Samiti (Executive Council) which shall take such action as it thinks fit, and the Karma Samiti (Executive Council) shall inform the Samsad (Court) of the action taken by it, and, when no action is taken, of its reasons therefor.

36. Annual accounts.—(1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Karma Samiti (Executive Council), and shall be submitted to the Central Government.

(2) The audit of the accounts of the University shall be carried out according to the directions of the Central Government.

(3) Copies of the audited accounts together with copies of the audit report, if any, shall be submitted to the Samsad (Court) and to the Paridarsaka (Visitor).

(4) The annual accounts and the financial estimates shall be considered by the Samsad (Court) at its annual meeting, and the Samsad (Court) may pass resolutions thereon and communicate the same to the Karma Samiti (Executive Council) which shall take them into consideration and take such action thereon as it thinks fit or inform the Samsad (Court),

when no action is taken, of its reasons therefor.

SUPPLEMENTARY PROVISIONS.

37. Conditions of service of officers and teachers.—Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned.

38. Tribunal of Arbitration.—Every dispute arising out of a contract between the University and any of its officers or teachers shall be referred to a Tribunal of Arbitration consisting of one member appointed by the Karma Samiti (Executive Council), one member nominated by the officer or teacher concerned and an umpire appointed by the Paridarsaka (Visitor), and the decision of the Tribunal shall be final.

39. Pension and provident funds.—(1) The University shall constitute, for the benefit of its officers [including the Upacharya (Vice-Chancellor)], teachers, and other servants, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may deem fit.

(2) Where any such pension, insurance or provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (XIX of 1925), shall apply to such fund as if it were a Government Provident Fund.

40. Filling of casual vacancies.—(1) Subject to any provision in this Act and in the Statutes, the Karma Samiti (Executive Council) shall appoint with the approval of the Paridarsaka (Visitor) a person to fill a casual vacancy in the office of the Upacharya (Vice Chancellor), and the person so appointed shall hold office till the next meeting of the Samsad (Court).

(2) All casual vacancies among the members, (other than *ex-officio* members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

41. Removal from membership of the University.—The Samsad (Court) may, on the recommendation of not less than two-thirds of the members of the Karma Samiti (Executive Council) remove any person from membership of any authority or board of the University in case of a serious offence involving moral turpitude, or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred or granted by the University.

42. Disputes as to constitution of any University authority or body.—If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Paridarsaka (Visitor), whose decision thereon shall be final.

43. Constitution of committees.—Where any authority of the University is given power by this Act or by the Statutes to appoint committees, such committee shall, unless there is some special provision to the contrary, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

44. Proceedings of the University authorities not invalidated by vacancies.—No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of a

vacancy or vacancies among its members.

45. Power to remove difficulties.—If any difficulty arises with respect to the establishment of the University or any authority of the University or in connection with the first meeting of any authority of the University, the Paridarsaka (Visitor) in consultation with the Upacharya (Vice-Chancellor) may, by order, make any appointment or do anything which appears to him necessary or expedient for the proper establishment of the University or any authority thereof or for the first meeting of any authority of the University.

THE FIRST SCHEDULE

[*See* section 6(k)]

[The objects for which the late Rabindranath Tagore founded the Vishva-Bharati at Santiniketan.]

(i) to study the mind of Man in its realisation of different aspects of truth from diverse points of view,

(ii) to bring into more intimate relations with one another, through patient study and research, the different cultures of the East on the basis of their underlying unity,

(iii) to approach the West from the standpoint of such a unity of the life and thought of Asia,

(iv) to seek to realise in a common fellowship of study the meeting of the East and the West, and thus ultimately to strengthen the fundamental conditions of world peace through the establishment of free communication of ideas between the two hemispheres, and

(v) with such ideals in view to provide at Santiniketan aforesaid a Centre of Culture where research into and study of the religion, literature, history, science and art of Hindu, Budhist, Jain, Islamic, Sikh, Christian and other civilizations may be pursued along with the culture of the West, with that simplicity in externals which is necessary for true spiritual realisation, in amity, good-fellowship and co-operation between the thinkers and scholars of both Eastern and Western countries, free from all antagonisms of race, nationality, creed or caste.

THE SECOND SCHEDULE

(*See* section 7)

The territorial limits of the University.

The area known as Santiniketan in the District of Birbhum in West Bengal, admeasuring 11.5 square miles, bounded—

on the north by the Kopai River,

on the west by a line running from Ballavpur and Bonuri villages to Bandgora,

on the south by a line running from Bandgora *via* Bolpur Dak Bungalow to the bridge over the East Indian Railway cutting and

on the east by the East Indian Railway line.

The Constitution (First Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 18th June, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 18th June 1951.

An Act to amend the Constitution of India.

[*18th June, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Constitution (First Amendment) Act, 1951.

2. *Amendment of article 15.*—To article 15 of the Constitution, the following clause shall be added :—

"(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

3. *Amendment of article 19 and validation of certain laws.*—(1) In article 19 of the Constitution,—

(a) for clause (2), the following clause shall be substituted, and the said clause shall be deemed always to have been enacted in the following form, namely :—

"(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.";

(b) in clause (6), for the words beginning with the words "nothing in the said sub-clause" and ending with the words "occupation, trade or business", the following shall be substituted, namely :—

"nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business industry or service, whether to the exclusion, complete or partial, of citizens or otherwise."

(2) No law in force in the territory of India immediately before the commencement of the Constitution which is consistent with the provisions of article 19 of the Constitution as amended by sub-section (1) of this subtion shall be deemed to be void, or ever to have become void, on the ground only that, being a law which takes away or abridges the right conferred by sub-clause (a) of clause (1) of the said article, its operation was not saved by clause (2) of that article as originally enacted.

Explanation.—In this sub-section, the expression "law in force" has the same meaning as in clause (1) of article 13 of the Constitution.

4. *Insertion of new article 31A.*—After article 31 of the Constitution, the following article shall be inserted, and shall be deemed always to have been inserted, namely :—

"31A. *Saving of laws providing for acquisition of estates, etc.*—(1) Notwithstanding anything in the foregoing provisions of this Part, no law providing for the acquisition by the State of any estate or of any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part :

Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.

(2) In this article,—

(a) the expression "estate" shall, in relation to any local area, have

the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include any *jagir*, *inam* or *muafi* or other similar grant ;

(b) the expression "rights", in relation to an estate, shall include any rights vesting in a proprietor, sub-proprietor, under-proprietor, tenure-holder or other intermediary and any rights or privileges in respect of land revenue."

5. *Insertion of new article 31B.*—After article 31A of the Constitution as inserted by section 4, the following article shall be inserted, namely :—

"31B. *Validation of certain Acts and Regulations.*—Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or even to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary, each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force."

6. *Amendment of article 85.*—For article 85 of the Constitution, the following article shall be substituted, namely :—

"85. *Sessions of Parliament, prorogation and dissolution.* (1) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The President may from time to time—

(a) prorogue the Houses or either House ;

(b) dissolve the House of the People."

7. *Amendment of article 87.*—In article 87 of the Constitution,—

(1) in clause (1), for the words "every session" the words "the first session after each general election to the House of the People and at the commencement of the first session of each year" shall be substituted;

(2) in clause (2), the words "and for the precedence of such discussion over other business of the House" shall be omitted.

8. *Amendment of article 174.*—For article 174 of the Constitution, the following article shall be substituted, namely :—

"174. *Sessions of the State Legislature prorogation and dissolution.*—(1) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Governor may from time to time—

(a) prorogue the House or either House ;

(b) dissolve the Legislative Assembly."

9. *Amendment of article 176.*—In article 176 of the Constitution,—

(1) in clause (1), for the words "every session" the words "the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year" shall be substituted

(2) in clause (2), the words "and for the precedence of such discussion over other business of the House" shall be omitted.

10. *Amendment of article 341.*– In clause (1) of article 341 of the Constitution, for the words "may, after consultation with the Governor or Rajpramukh of a State," the words "may with respect to any State," and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof," shall be substituted.

11. *Amendment of article 342.*—In clause (1) of article 342 of the Constitution, for the words "may, after consultation with the Governor or Rajpramukh of a State," the words "may with respect to any State, and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof," shall be substituted.

12. *Amendment of article 372.*– In sub-clause (a) of clause (3) of article 372 of the Constitution, for the words "two years" the words "three years" shall be substituted.

13. *Amendment of article 376.*—At the end of clause (1) of article 376 of the Constitution, the following shall be added, namely : –

"Any such Judge shall, notwithstanding that he is not a citizen of India, be eligible for appointment as Chief Justice of such High Court, or as Chief Justice or other Judge of any other High Court."

14. *Addition of Ninth Schedule.*—After the Eighth Schedule to the Constitution, the following Schedule shall be added, namely :—

"NINTH SCHEDULE

[*Article 31B*]

1. The Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950).
2. The Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay Act LXVII of 1948).
3. The Bombay Maleki Tenure Abolition Act, 1949 (Bombay Act LXI of 1949).
4. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bombay Act LXII of 1949).
5. The Panch Mahals Mehwassi Tenure Abolition Act, 1949 (Bombay Act LXIII of 1949).
6. The Bombay Khoti Abolition Act, 1950 (Bombay Act VI of 1950).
7. The Bombay Pargana and Kulkarni Watan Abolition Act, 1950 (Bombay Act LX of 1950).
8. The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act. 1950 (Madhya Pradesh Act I of 1951)
9. The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).
10. The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950 (Madras Act I of 1950).
11. The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act I of 1951).
12. The Hyderabad (Abolition of Jagirs) Regulation, 1358F (No. LXIX of 1358, Fasli).
13. The Hyderabad Jagirs (Commutation) Regulation, 1359F. (No. XXV of 1359, Fasli)."

The Delhi Laws (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 11th June, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 12th June 1951.

Act No. XXXVI of 1951.

An Act further to amend the Delhi Laws Act, 1915.

[*11th June, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Delhi Laws (Amendment) Act, 1951.

2. *Repeal of U. P. Act II of 1901 in its application to certain parts of Delhi.*—On and from the day on which the United Provinces Tenancy Act, 1939 (U. P. Act XVII of 1939), is extended, by notification under section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), to the territory specified in Schedule I to the Delhi Laws Act, 1915 (hereinafter in this section referred to as the said Act), the Agra Tenancy Act, 1901 (U. P. Act II of 1901) shall, in its application to the territory so specified, stand repealed, and Schedule III to the said Act shall stand amended in the manner following, namely :—

(i) the entry relating to the Agra Tenancy Act, 1901, shall be omitted ; and

(ii) in the entry relating to the United Provinces General Clauses Act, 1904, the words and figures "the Agra Tenancy Act, 1901 and" occurring in the fourth column shall be omitted.

The Port Trusts and Ports (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 9th June, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 12th June 1951.

Act No. XXXV of 1951.

An Act further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, the Madras Port Trust Act, 1905 and the Indian Ports Act, 1908, for certain purposes and to make certain consequential amendments in the Calcutta Port (Pilotage) Act, 1948.

[*9th June, 1951*]

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1 *Short title and commencement.*—(1) This Act may be called the Port Trusts and Ports (Amendment) Act, 1951.

(2) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

CHAPTER II

AMENDMENT OF BOMBAY ACT VI OF 1879

2. *Amendment of section 3, Bombay Act VI of 1879.*—In section 3 of the Bombay Port Trust Act, 1879 (hereinafter in this Chapter referred to as the Bombay Act),—

(a) after clause (2), the following clause shall be inserted, namely :—

"(3) 'vessel' includes anything made for the conveyance mainly by water of human beings or of property ;"

(b) for clause (4), the following clause shall be substituted, namely: —

"(4) 'master' when used in relation to any vessel or to any aircraft making use of the port, means any person having for the time being the charge or control of such vessel or such aircraft, as the case may be, except a pilot, harbour master, berthing master, dock master or assistant harbour master of the port ;" ;

(c) in clause (5), after the words "any vessel" the words "or any air-

craft making use of the port" shall be inserted ;

(d) for clause (12), the following clause shall be substituted, namely: –

"(12) the words 'public securities' mean—

(a) promissory notes, debentures, stock or other securities of the Central Government or of any State Government ;

(b) debentures or other securities for money issued by, or on behalf of, any municipal body, Improvement Trust or Port Trust under the authority of any law for the time being in force in India and includes the debentures or other securities issued by the Board under this Act."

3. *Insertion of new section 3A in Part I of Bombay Act VI of 1879.* – In Part I of the Bombay Act containing the heading "Preliminary", after section 3, the following section shall be inserted, namely : –

"3A. *Requirements as to publication of notifications, orders, etc., in the Official Gazette.* (1) Any requirement in this Act that a notification, order, rule or bye-law issued or made by the Board or by the Central Government shall be published in the Official Gazette, shall, unless otherwise expressly provided in this Act, be construed as a requirement that the notification, order, rule or bye-law shall –

(a) where it is issued or made by the Board, be published in the Official Gazette of the State, and

(b) where it is issued or made by the Central Government, be published in the Gazette of India.

(2) Any notification, order, rule or bye-law issued or made by the Central Government shall, for general information, be also republished in the Official Gazette of the State."

4. *Amendment of section 7, Bombay Act VI of 1879.*—In section 7 of the Bombay Act, for the words "nominee-trustees and the Chairman shall be appointed" the words "nominee-trustees other than those who are *ex-officio* trustees shall be appointed either by name or by virtue of office" shall be substituted.

5. *Repeal of section 8, Bombay Act VI of 1879.*—Section 8 of the Bombay Act is hereby repealed.

6. *Substitution of new sections for sections 9, 10 and 11, Bombay Act VI of 1879.*—For sections 9, 10 and 11 of the Bombay Act, the following sections shall be substituted, namely : –

"9. *Term of office of nominee and elective trustees.*—(1) Subject to the provisions of sections 11A, 13, 13A and 14A, a nominee-trustee appointed by name or an elective-trustee shall hold office for a term of two years commencing on the first of April next following the appointment or election, as the case may be, of such trustee.

(2) Subject to the provisions of section 11A, a nominee-trustee appointed by the Central Government by virtue of an office shall, until the Central Government by notification in the Official Gazette otherwise directs, continue to be a trustee so long as he continues to hold that office."

10. *Filling of vacancies in the office of trustees.*—(1) Every vacancy in the office of a nominee-trustee appointed by name or of an elective-trustee caused by the expiration of the term of office of such trustee shall be filled by appointment or election, as the case may be, within one month immediately preceding the date of expiration of such term.

(2) Every vacancy in the office of a nominee-trustee appointed by the Central Government by virtue of an office caused by the expiration of the term of office of such trustee or otherwise shall be filled by appointment within one month of the occurrence of such vacancy.

11. *The Chairman.*—The Chairman shall be appointed by the Central Government by notification in the Official Gazette and shall hold office during the pleasure of the Central Government.

11A. *Resignation of trustees.*—A nominee-trustee appointed by the Central Government, whether by name or by virtue of an office, or an elective-trustee may at any time resign his office by giving notice in writing to the Chairman who shall forward the same to the Central Government, and on such resignation being accepted by that Government he shall cease to be a trustee, and his office shall thereupon become vacant."

7. *Amendment of section 13, Bombay Act VI of 1879.*—In section 13 of the Bombay Act,

(a) in sub-section (1), for the words "a trustee other than the Chairman occasioned by the death, resignation or disqualification of such trustee", the following shall be substituted, namely :—

"a nominee-trustee appointed by name or of an elective-trustee, occasioned by the death or resignation of such trustee or by virtue of the provisions of section 14A" ;

(b) in sub-section (2),

(i) for the words "a trustee", in the first place where they occur, the words "a nominee-trustee appointed by name or an elective-trustee" shall be substituted ;

(ii) for the words "elected or appointed as aforesaid" the words "appointed or elected as the case may be" shall be substituted ;

(iii) for the words "a trustee", in the second place where they occur, the words "such a trustee" shall be substituted.

8. *Insertion of new section 13A in Bombay Act VI of 1879.*—After section 13 of the Bombay Act, the following section shall be inserted, namely :—

"13. *Saving provision for appointment of nominee-trustees and elective trustees after the prescribed period.*—(1) Nothing in the foregoing provisions shall prevent a person being appointed by the Central Government to fill any vacancy in the office of a nominee-trustee after the expiration of the period specified therefor in section 10 or section 13, as the case may be, if for any reason it has not been possible for the Central Government to make the appointment within the said period.

(2) If the Central Government is satisfied that an electing body has failed to elect a trustee within the period specified therefor in section 10 or section 13, as the case may be, for reasons beyond its control, the Central Government may, by notification in the Official Gazette, direct that the election shall be held on or before such date (after the expiration of the said period) as may be specified in the notification.

(3) Where a nominee-trustee is appointed by name, or an elective trustee is elected under sub section (2) of this section or nominated under sub-section (4) of section 6 to fill any such vacancy as is referred to in section 10 after the expiration of the period specified therefor in that section, the term of office of such trustee shall commence on the date on which his appointment, election or nomination is notified in the Official Gazette and shall expire on the date on which his term of office would have expired if his appointment, election or nomination, as the case may be, had been made within the period so specified in section 10."

9. *Amendment of section 14, Bombay Act VI of 1879.*—In section 14 of the Bombay Act,—

(1) in sub-section (1)—

(a) in clause (a), for the words "uncertificated bankrupt or" the word

"undischarged" shall be substituted ;

(b) in clause (b),—

(i) after the words "for an offence" the words "involving moral turpitude" shall be inserted ; and

(ii) after the words "reversed or quashed" the words "unless the Central Government has by order removed the disqualification" shall be inserted ;

(c) in clause (c),—

(i) the word "or" at the end shall be omitted ; and

(ii) to the said clause, the following proviso shall be added, namely :—

"Provided that this disqualification shall not apply to the Chairman, *ex-officio* trustees and trustees appointed by virtue of office ; or".

(2) In clause (f) of sub-section (2), for the words "two thousand" the words "ten thousand" shall be substituted.

10. *Amendment of section 14A, Bombay Act VI of 1879.*—In section 14A of the Bombay Act, for the words "Any trustee" the words "Any nominee-trustee appointed by name or elective-trustee" shall be substituted.

11. *Amendment of section 14B, Bombay Act VI of 1879.*— In section 14B of the Bombay Act, for the words "officers or servants of the Board or of any class of persons employed by or on behalf of the Board" the words "employees of the Board" shall be substituted.

12. *Substitution of new section for section 15, Bombay Act VI of 1879.*— For section 15 of the Bombay Act, the following section shall be substituted, namely :—

"15. *Salary and allowances of the Chairman.*—(1) The Central Government may, from time to time, determine the salary and allowances, if any, to be paid to the Chairman, and may prescribe the conditions and restrictions subject to which such salary or allowances shall be payable.

(2) *Fees payable to trustees other than the Chairman.*—The Central Government may determine, from time to time, the fees, if any, to be paid to the trustees or to any class of them (other than the chairman) for attendance at meetings, and may prescribe the conditions and restrictions subject to which such fees shall be payable."

13. *Amendment of section 16, Bombay Act VI of 1879.*—In section 16 of the Bombay Act,—

(1) In clause (2)—

(i) to sub-clause (g), the following shall be added, namely :—

"and the said minutes, excepting such portion thereof as the Chairman may in any particular case direct shall also be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may, from time to time, be fixed by the Board ;"

(ii) after sub-clause (g), the following sub-clause shall be inserted, namely :—

"(h) a summary of the minutes of every meeting of the Board shall, as soon as practicable, be published in the Official Gazette" ;

(2) in clause (3),—

(a) for the words "any Committee so formed", in the first place where they occur, the words "any Committee to which any such power has been so delegated" shall be substituted ;

(b) for the words "any committee so formed", in the second place where they occur, the words "any such committee" shall be substituted.

14. *Insertion of new section 16A in Bombay Act VI of 1879.*—After

section 16 of the Bombay Act, the following section shall be inserted, namely :—

"16A. *Power of Board to enter into contracts.*—The Board may enter into contracts for carrying into effect the purposes of this Act :

Provided that no contract, under or by virtue of which a sum greater than seven lakhs of rupees may in any event be payable by the Board, shall be valid unless it has been made with the previous sanction of the Central Government. '

15. *Amendment of section 17, Bombay Act VI of 1879.*—In section 17 of the Bombay Act, for the words "one thousand" the words "five thousand" shall be substituted.

16. *Amendment of section 18, Bombay Act VI of 1879.*—To section 18 of the Bombay Act, the following proviso shall be added, namely :—

"Provided that no settlement shall be made under this section without the previous sanction of the Central Government if such settlement involves a sum exceeding twenty-five thousand rupees." ✓

17. *Substitution of "employees, etc." for "officers and servants, etc." in sections 19, 21, 22, 25, 49, 51, 68, 78, 82 and 87.*—Save as otherwise expressly provided in this Act, in sections 19, 21, 22, 25, 49, 51, 68, 78, 82 and 87, for the words "officers and servants" or "officers or servants" or "officer or servant" or "officer" wherever they occur, the words "employees" or "employee", as the case may be, shall be substituted.

18. *Amendment of section 20, Bombay Act VI of 1879.*—In section 20 of the Bombay Act,—

(1) for the words "The allowance, if any," the words "The leave salary and the allowances, if any." shall be substituted ;

(2) after the words "The salary" the words "and the allowances, if any," shall be inserted.

19. *Insertion of new sections 20A and 20B in Part II of Bombay Act VI of 1879.*—In Part II of the Bombay Act containing the heading "Of the Board of Trustees", after section 20, the following sections shall be inserted, namely :—

"20A. *Gratuity, etc for Chairman.*—The Central Government may fix the amount of gratuity or compassionate allowance, if any, which shall be paid to the Chairman on his retirement from office and may determine the conditions under which the said gratuity or compassionate allowance shall be so payable.

20B. *Permission to Chairman to join Provident Fund.*—Notwithstanding anything contained in this Act the Central Government may permit the Chairman who, before such appointment, had been an employee of the Board, to join the provident fund established by the Board under clause (6) of section 22 for the benefit of the employees of the Board and may determine the conditions and restrictions subject to which such permission may be given."

20. *Amendment of section 21, Bombay Act VI of 1879.*—In the proviso to section 21 of the Bombay Act,—

(1) in clause (b), the words "or who are engaged for a definite period exceeding six months" shall be omitted ;

(2) the words, figures and brackets "of section 22, clauses (1) to (4) both inclusive, or" shall be omitted.

21. *Amendment of section 22, Bombay Act VI of 1879.*—In section 22 of the Bombay Act,—

(1) in clauses (5) and (6), the words "and the Chairman" shall be omitted ;

(2) for clauses (6A) and (6B), the following clause shall be substituted, namely :—

"(6A) for authorising the payment of—

(a) *contributions to welfare fund*—contributions to any welfare fund which may be established by the Board for the benefit of the employees appointed under this Act ;

(b) *contributions or appropriations to special fund.*—contributions or appropriations to any special fund which may be established by the Board for any of the purposes of this Act :

Provided that no such special fund shall be established without the previous sanction of the Central Government ; and the maximum rate of annual contribution to any such welfare fund or special fund and the maximum amount to which any such welfare fund or special fund may be allowed to accumulate shall be fixed from time to time by the Central Government ;" ;

(3) in clause (8),—

(a) the words "with the previous sanction of the Central Government" shall be omitted ;

(b) after the words "widows or children" the words "or other surviving dependent relatives" shall be inserted ;

(4) after clause (8), the following clause shall be substituted, namely :—

"(9) *Matters relating to terms and conditions of service not covered by other clauses.*—for regulating the recruitment, promotion, conduct, discipline, punishment and any other matter relating to the terms and conditions of service applicable to the employees of the Board or allotment of premises to them or their rights and their privileges, not covered by any of the foregoing clauses."

(5) for the existing proviso at the end of this section, the following proviso shall be substituted, namely :—

"Provided that the regulations framed under this section shall not take effect unless and until they have been approved by the Central Government".

22. *Repeal of section 22A of the Bombay Act.*—Section 22A of the Bombay Act is hereby repealed.

23. *Substitution of new sections for section 23, Bombay Act VI of 1879.*—For section 23 of the Bombay Act, the following sections shall be substituted, namely :—

"23. *Appointments, etc., by whom to be made*—(1) Subject to the provisions of the Schedule for the time being in force, sanctioned by the Board under section 21 and of the regulations and bye-laws made by the Board under sections 22 and 72 and also to the provisions of section 24, the power of appointing, promoting, granting leave to, suspending, fining, reducing or dismissing or of disposing of any other question relating to the services of, the employees of the Board including the power of dispensing with the services of any such employee otherwise than by reason of such employee's own misconduct, shall be exercised, in the case of employees whose maximum monthly salary exclusive of allowances is less than one thousand rupees, by the Chairman and in every other case, by the Board.

(2) The Chairman may upon such terms as he may think fit and subject to the provisions referred to in sub-section (1) and to the Chairman's powers of revision and control, delegate to the head of any department for the time being all or any of his powers under the said sub-section

in respect of the employees of that department whose monthly maximum salary exclusive of allowances does not exceed three hundred and fifty rupees.

(3) Notwithstanding anything contained in sub-section (1), the power to make appointment to the posts of heads of departments shall be exercisable only by the Central Government after consultation with the Chairman.

(4) The Central Government may by order specify each of the posts the incumbent of which shall, for the purposes of this section, be regarded as the head of a department.

23A. *Disposal of fines realised under section 23.*—Notwithstanding anything contained in section 49, all fines realised under section 23 shall be credited to any such welfare fund as may be established by the Board for the benefit of the employees appointed under this Act."

24. *Substitution of new section for section 24, Bombay Act VI of 1879* —For section 24 of the Bombay Act, the following section shall be sub tituted, namely :—

'24. *Sanction of Central Government when necessary.*—(1) Every order made by the Board under section 21 or section 23, save where such order has been made in accordance with the regulations, for the time being in force, framed under section 22 shall, so far as the same relates to any employee of the Board whose maximum monthly salary exclusive of allowances is not less than one thousand rupees, be subject to the sanction of the Central Government.

(2) For the purposes of sub-section (1), any person who may, from time to time, be employed as Consulting Engineer to the Board otherwise than on the basis of payment of monthly salary shall be deemed to be an employee whose maximum monthly salary exclusive of allowances is not less than one thousand rupees."

25. *Repeal of section 25, Bombay Act VI of 1879.*—Section 25 of the Bombay Act is hereby repealed.

26. *Amendment of section 26, Bombay Act VI of 1879.*—In the proviso to section 26 of the Bombay Act, for the words "fifty years" the words "thirty years" shall be substituted.

27. *Repeal of section 32, Bombay Act VI of 1879.*—Section 32 of the Bombay Act is hereby repealed.

28. *Amendment of section 39, Bombay Act VI of 1879.*—Clause (iii) of the proviso to section 39 of the Bombay Act shall be omitted.

29. *Amendment of section 41B, Bombay Act VI of 1879.*—Section 41B of the Bombay Act shall be renumbered as sub-section (1) of that section ; and—

(a) in that sub section as so renumbered for the word "value" the words "current market value" shall be substituted ; and

(b) after the said sub-section, the following sub-section shall be inserted, namely :—

"(2) If the cash and the current market value of the securities at the credit of the sinking fund are in excess of the amount which should be at its credit, the Accountant-General shall certify the amount of this excess and the Board may, with the previous sanction of the Central Government,—

(a) withdraw the whole or any part of the certified excess in the sinking fund, or

(b) reduce or discontinue the half-yearly contributions to the sinking fund prescribed by sub-section (1) of section 41A, or

(c) adopt a combination of these measures."

30. *Insertion of new sections 41D and 41E in Bombay Act VI of 1879.*—After section 41C of the Bombay Act, the following sections shall be inserted, namely :—

"41D. *Power to repay loans before due date.*—The Board may with the previous sanction of the Central Government apply any sums, out of moneys which may come into their hands under the provisions of this Act and which can be so applied without prejudicing the security of other holders of debentures issued under this Act, in repaying to the Central Government any sum which may remain due to them in respect of the principal of any loan, although the time fixed for the repayment of the same may not have arrived :

Provided that no such repayment shall be made of any sum less than ten thousand rupees ; and that, if such repayment is made, the amount of interest in each succeeding instalment shall be adjusted so as to represent exactly the interest due on the outstanding principal.

41E. *Loans to be raised in India and in Indian currency.*—Unless the Central Government by notification in the Official Gazette otherwise direct, all loans contracted by the Board shall be raised in India and in the Indian currency."

31. *Substitution of new sections for sections 42A to 42E, Bombay Act VI of 1879.*—For sections 42A, 42B, 42C, 42D and 42E of the Bombay Act, the following sections shall be substituted, namely :—

"42A. *Right of survivors of joint or several payees of debentures and securities.*—(1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 1872),—

(a) when any debenture or security issued under the provisions of this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons, and

(b) when any such debenture or security is payable to two or more persons severally, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons or to the representative of the deceased or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after the commencement of this Act

(3) Nothing herein contained shall affect any claim which any representatives of a deceased person may have against the survivor or survivors under or in respect of any debenture or security to which sub-section (1) applies.

(4) For the purposes of this section, a body incorporated under the Indian Companies Act, 1913 (VII of 1913) or the Co-operative Societies Act, 1912 (II of 1912) or any other enactment for the time being in force whether in or outside India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.

42B. *Power of one of two or more joint holders to grant receipts.*—Where two or more persons are joint holders of any debenture or security issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of the holders.

42C. *Prohibition of indorsements elsewhere than on the debenture or security.*—Notwithstanding anything in section 15 of the Negotiable Instru-

ments Act, 1881 (XXVI of 1881), the holder of any debenture or security issued under the provisions of this Act and transferable by indorsement shall not be said to indorse the debenture or security, or be called the indorser thereof, if, when he signs the same for purpose of negotiation, he subscribes his signature for that purpose elsewhere than on the back of the debenture or security itself.

42D. *Indorser of debenture or security not liable for amount thereof.*—Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), a person shall not, by reason only of his having indorsed any debenture or security issued under the provisions of this Act, be liable to pay any money due, either as principal or as interest, thereunder.

42E. *Impression of signature on debentures and securities.*—(1) The signature of the person authorised to sign debentures or securities on behalf of the Board may be printed, engraved or lithographed, or impressed by such other mechanical process as the Board may direct, on the debentures or securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised.

42F. *Issue of duplicate debentures and securities.*—(1) When any debenture or security issued under the provisions of this Act is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Board, and on producing proof to their satisfaction of the loss, theft or destruction and of the justice of the claim and on payment of such fee, if any, as may be prescribed by rules made under section 42J, obtain from the Board an order for—

(a) the payment of interest in respect of the debenture or security said to be lost, stolen or destroyed pending the issue of a duplicate debenture or security, and

(b) the issue of a duplicate debenture or security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of such notification as may be prescribed by rules made under section 42J of the loss, theft or destruction.

(3) A list of the debentures or securities in respect of which an order is passed under sub section (1) shall be published in such manner as may be prescribed by such rules.

(4) If at any time before the Board become discharged under the provisions of this Act from liability in respect of any debenture or security the whole of which is alleged to have been lost, stolen or destroyed, such debenture or security is found, any order passed in respect thereof under this section shall be cancelled

42G. *Issue of converted etc., debentures and securities.*—(1) The Board may, subject to such conditions as may be prescribed by rules made under section 42J, on the application of a person claiming to be entitled to any debenture or security or debentures or securities issued under the provisions of this Act, on being satisfied of the justice of the claim and on delivery of the debenture or security or debentures or other securities receipted in the manner precribed by such rules and on payment of such fees, if any, as may be so prescribed, convert, consolidate or sub-divide the debenture or security or debentures or securities, and issue to the applicant a new debenture or security or debentures or securities accordingly.

(2) The conversion, consolidation or sub-division referred to in sub-section (1) may be into a debenture or security or debentures or securities of the same or different classes or of the same or different loans.

42H. *Discharge in certain cases.*—Notwithstanding anything contained in section 10 of the Indian Limitation Act, 1908 (IX of 1908),—

(i) on payment of the amount due on any debenture or security issued under the provisions of this Act on or after the date on which payment becomes due, or

(ii) when a duplicate debenture or security has been issued under section 42F, or

(iii) when a new debenture or security or debentures or securities has or have been issued upon conversion, consolidation or sub-division under section 42-G,

the Board shall be discharged from all liability in respect of the debenture or security or debentures or securities so paid or in place of which a duplicate or new debenture or security or debentures or securities has or have been issued —

(a) in the case of payment- after the lapse of six years from the date on which payment was due ;

(b) in the case of a duplicate debenture or security after the lapse of six years from the date of the publication under sub-section (3) of section 42F of the list in which the debenture or security is first mentioned, or from the date of the last payment of interest on the original debenture or security, whichever date is later ;

(c) in the case of a new debenture or security issued upon conversion, consolidation or sub division—after the lapse of six years from the date of the issue thereof.

42I. *Issue of stock certificates.*—(1) The Board at its discretion at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of this Act, upon the application of the subscriber for, or holder of, any such debentures or securities, issue to him, in lieu of the debentures or securities deliverable to or held by him, a certificate in the nature of a stock certificate in respect of each loan to which such debentures or securities relate, which shall be in such form as the Board, with the previous consent of the Central Government, shall from time to time determine, and all the provisions of section 41 as to the interest on debentures shall apply to the interest on the stock certificates

(2) The Board shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.

42J. *Board empowered to make rules.*—(1) The Board may from time to time make rules to prescribe —

(a) the amounts for which stock certificates may be issued ;

(b) the fees to be levied in respect of the issue of stock certificates ;

(c) the mode in which payment of interest in respect of all debentures, stock certificates and other securities issued under the provisions of this Act is to be made, recorded and acknowledged ;

(d) the circumstances and the manner in which such debentures and securities may be renewed ;

(e) the circumstances in which such debentures and other securities must be renewed before further payment of interest thereon can be claimed ;

(f) the fees to be levied in respect of the issue of renewed debentures or other securities ;

(g) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock ;

(h) the form in which debentures or other securities delivered for renewal, conversion, consolidation or sub division are to be receipted ;

(i) the proof to be produced by persons applying for duplicate debentures or other securities ;

(j) the form and manner of publication of the notification mentioned in sub-section (2) of section 42F, the manner of publication of the list mentioned in sub-section (3) of that section, and the fees to be levied in respect of the issue of duplicate debentures or other securities ;

(k) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied on any such issue ;

(l) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures or other securities alleged to have been wholly or partly lost, stolen or destroyed, or the issue of duplicate debentures or other securities ;

(m) the conditions subject to which debentures and other securities issued under the provisions of this Act may be converted, consolidated or sub-divided, and the fees to be levied in respect of the conversion, consolidation and sub division of such debentures or other securities ;

(n) generally the measures to be adopted for carrying out the purposes of this Part.

(2) The Board may also, from time to time, vary, alter or revoke any such rules so made by them

No rule, or alteration or revocation of a rule, shall have effect until approved by the Central Government, and such approval has also been published in the Bombay Government Gazette and no rule, or alteration or revocation of a rule, shall be approved by the Central Government until the same has been published for two weeks successively in the said Gazette and until fourteen days have expired from the date on which the same had been first published in that Gazette.

The Central Government may, at any time by notification in the said Gazette, cancel any rule published under the provisions of this section.

42K. *Power of Board to borrow by means of temporary overdraft or otherwise.*—Notwithstanding anything contained in this Act, the Board may borrow moneys by means of temporary overdraft or otherwise by pledging the debentures or other securities held by them in their reserve funds or on the security of their fixed deposits in their banks :

Provided that such temporary overdrafts or other loans—

(a) shall not at any time have a longer currency than six months, and

(b) shall not be taken without the previous sanction of the Central Government if at any time in any year the amount of such overdrafts or other loans exceeds ten lakhs of rupees :

Provided further that all moneys so borrowed by temporary overdraft or otherwise shall be expended for the purposes of this Act.

42L. *Power of Board to raise loans under the Local Authorities Loans Act, 1914.*—Nothing contained in this Act shall be deemed to affect the power of the Board to raise loans under the Local Authorities Loans Act, 1914 (IX of 1914) "

32. *Amendment of section 43, Bombay Act VI of 1879.*—In section 43 of the Bombay Act,—

(1) the word "and" at the end of clause (b) shall be omitted ;

(2) to clause (c) the word "and" shall be added ;

(3) after clause (c), the following clause shall be inserted, namely :—

"(d) for permission to make any other use of".

33. *Amendment of section 43A, Bombay Act VI of 1879.*— In section 43A of the Bombay Act,—

(1) clause (a), for the word "dock" in the two places where it occurs, the words "wharf, dock or pier" shall be substituted ;

(2) the word "and" at the end of clause (b) shall be omitted ;

(3) after clause (c), the following clauses shall be inserted, namely :—

"(d) for the loading, unloading, carting, sorting, weighing, stocking and repacking of goods ;

(e) for the towing of, and rendering assistance to, vessels within the port limits ; and

(f) for any other services in respect of vessels or goods excepting services for which fees are chargeable under the Indian Ports Act, 1908 (XV of 1908)."

34. *Amendment of section 43B, Bombay Act VI of 1879.*—In section 43B of the Bombay Act,—

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) *Power of Central Government to cancel scale of tolls etc.*—It shall be competent for the Central Government at any time to cancel any of the scales framed under section 43 or section 43A, or to call upon the Board to modify any portion of such scales ; and thereupon the Board shall modify such scales accordingly." ;

(2) in sub-section (2), after the words "in special cases" the words "for reasons to be recorded in writing" shall be inserted.

35. *Insertion of new section 43C in Bombay Act VI of 1879.*—After section 43B of the Bombay Act, the following section shall be inserted, namely :—

"43C. *Power to levy concessional rate of charges on coastal cargo.*—In framing scales under section 43 or section 43A, the Board may prescribe a lower rate of charges in respect of cargo carried in a vessel from one Indian port to another.

Explanation.—For the purposes of this section, the expression "Indian port" includes the ports of Diu, Daman, Marmagao, Panjim, Mahe, Karaikal and Pondicherry."

36. *Repeal of sections 46 and 47, Bombay Act VI of 1879.*— Sections 46 and 47 of the Bombay Act are hereby repealed.

37. *Amendment of section 48, Bombay Act VI of 1879.*—In section 48 of the Bombay Act, for the figures "46" the figures "45" shall be substituted.

38. *Amendment of section 49, Bombay Act VI of 1879.*—In section 49 of the Bombay Act,—

(1) before the words, "The moneys credited to the general account shall be held by the Board in trust" the words, figures, brackets and letters "Subject to the provisions of section 36 of the Indian Ports Act, 1908 (XV of 1908)" shall be inserted ;

(2) in sub-clause (ii) of clause (1),—

(i) in paragraph (b), the words "and the Chairman" shall be omitted;

(ii) in paragraph (c), the words "or funds" and the proviso to the said paragraph shall be omitted ;

(3) in clause (7), after the word "children" the words "or other surviving dependent relatives" shall be inserted ;

(4) after clause (7) ending with the words "in the service of the

Board", the following clauses shall be inserted, namely :—

"(8) the payment of such sums as may from time to time be agreed upon by the Central Government and the State Government or by the Board and the State Government as a reasonable contribution on account of expenses in connection with the watch and ward functions of the harbour police and the police employed for guarding the docks, warehouses and other property of the Board ;

(9) any other charge for the purposes of this Act or for which the Board may be legally liable." ;

(5) the first proviso shall be omitted ;

(6) in the second proviso the word "also" shall be omitted.

39. *Insertion of new section 49A in Bombay Act VI of 1879.*—After section 49 of the Bombay Act, the following section shall be inserted, namely :—

"49A. *Power to transfer moneys from the general account to the pilotage account and vice versa.*—The Board may, with the previous sanction of the Central Government, apply any sum out of the moneys credited to the general account of the port towards meeting deficits, if any, in the pilotage account of the port maintained under section 36 of the Indian Ports Act, 1908 (XV of 1908), or transfer the whole or any part of any surplus funds in such pilotage account to the general account of the port."

40. *Repeal of section 50 Bombay Act VI of 1879.*—Section 50 of the Bombay Act is hereby repealed.

41. *Amendment of section 51, Bombay Act VI of 1879.*—In section 51 of the Bombay Act,—

(1) for the words "either the general or pilotage account" the words "the general account" shall be substituted ;

(2) after the words "in public securities" the words "or in such other securities as the Central Government may approve in this behalf" shall be inserted ;

(3) after the words "other public securities", the words "or in such other securities as the Central Government may approve in this behalf" shall be inserted ;

(4) for the second and third paragraphs (including the proviso) commencing with the wores "But the money so invested by the Board" and ending with the words, "to which the balance invested belongs", the following shall be substituted :—

"*Limitation of the amounts to be so invested and disposal of the surplus.*—But the money so invested by the Board shall not exceed such amount, annually or in the aggregate, as may from time to time be prescribed by the Central Government, and any surplus remaining after deducting the amounts which may be so invested shall be applied in liquidation, on or before the 1st of August next following the 31st of March on which such surplus accrued, of the principal of any loan raised by the Board under section 39 or of the capital of any debt at any time due by the Board to the Government, or of the money due to the holders of the securities issued by the Board under section 30."

42. *Amendment of section 52, Bombay Act VI of 1879.*—In section 52 of the Bombay Act, for the words "the Board shall" the words "the Central Government shall" shall be substituted.

43. *Insertion of new section 55A in Bombay Act VI of 1879.*—After section 55 of the Bombay Act, the following section shall be inserted, namely :—

"55A. *Re-appropriation of accounts in estimate.*—Subject to any directions which the Central Government may give in this behalf, any sum of money, or part thereof, of which the expenditure has been authorised in an estimate for the time being in force, finally approved by the Central Government, and which has not been so spent, may at any time be re-appropriated by the Board to meet any excess in any other expenditure authorised in the said estimate :

Provided that no such reappropriation shall be made from one major head of expenditure to another such head without the previous sanction of the Central Government."

44. *Substitution of new section for section 56, Bombay Act VI of 1879.*—For section 56 of the Bombay Act, the following section shall be substituted, namely :—

"56. *No expenditure above fifteen thousand rupees to be incurred unless sanctioned in estimate.*—(1) Subject to the provisions of section 55A no sum exceeding fifteen thousand rupees shall, save in cases of pressing emergency, be expended by or on behalf of, the Board unless such sum is included in some estimate at the time in force which has been finally approved by the Central Government.

(2) If any sum exceeding fifteen thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Central Government together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure."

45. *Insertion of new sections 56A and 56B in Bombay Act VI of 1879.*—After section 56 of the Bombay Act, the following sections shall be inserted, namely :—

"56A. *Capital expenditure.*—(1) No expenditure shall be charged by the Board to capital without the previous sanction of the Central Government.

(2) Nothing in sub-section (1) shall require further sanction of the Central Government in the case where the actual expenditure incurred as a charge to capital exceeds the expenditure sanctioned in this behalf by the Central Government unless the excess is more than ten per cent. of the expenditure so sanctioned.

56B. *Writing off of losses.*—(1) Subject to such conditions as may be specified by the Central Government, where the Board are of opinion that any amount due to, or any loss, whether of money or of property, incurred by, the Board is irrecoverable, the Board may, with the previous approval of the Central Government, sanction the writing off finally of the said amount or loss :

Provided that no such approval of the Central Government shall be necessary where such irrecoverable amount or loss does not exceed, in any individual case, two thousand and five hundred rupees or, in the aggregate in any one year, fifty thousand rupees.

(2) Notwithstanding anything contained in sub-section (1), where the Chairman is of opinion that any amount due to, or any loss, whether of money or of property, incurred by, the Board is irrecoverable, the Chairman may sanction the writing off finally of such amount or loss, provided that such amount or loss does not exceed, in any individual case, five hundred rupees or, in the aggregate in any one year, ten thousand rupees ; and in every such case, the Chairman shall make a report to the Board giving reasons for such sanction."

46. *Amendment of section 58, Bombay Act VI of 1879.*—In section 58 of the Bombay Act,—

(1) in the first paragraph,—

(i) for the word "twice" the word "once" shall be substituted ; and

(ii) for the words "by such auditors as shall, from time to time, be appointed by the Central Government" the words "by the Comptroller and Auditor-General of India at such times and in such manner as may be determined by him" shall be substituted ;

(2) in the last paragraph,—

(i) for the words "The auditors shall be paid" the words "The Comptroller and Auditor General shall be paid" shall be substituted ; and

(ii) for the words "the auditors shall forward their report upon the accounts to the Board, who shall cause" the words "the auditors shall forward copies of their report upon the accounts to the Central Government and to the Board and the Board shall thereupon cause" shall be substituted.

47. *Insertion of new section 58A and 58B in Bombay Act VI of 1879.*—After section 58 of the Bombay Act, the following sections shall be inserted, namely :—

"58A. *Board to remedy defects and irregularities pointed out in the audit report and Central Government to pass final orders.*—(1) The Board shall forthwith take into consideration any defects or irregularities that may be pointed out by the Auditors in their report and shall pass such orders thereon as the Board may think fit and shall also send a report of the action taken by the Board to the Central Government.

(2) If there is a difference of opinion between the Board and the Auditors on any point included in the audit report and the Board feel unable to accept the recommendations, if any, made by the auditors on such point, the matter shall forthwith be referred to the Central Government who shall pass final orders thereon and the Board shall be bound to give effect to such orders.

Submission of Accounts.

58B. *Submission of accounts to the Central Government.*—(1) The Board shall annually, or oftener if directed by the Central Government so to do, submit statements of their receipts and disbursements to the Central Government in such form and at such time as that Government may direct.

(2) A copy of all such statements shall be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may from time to time be fixed by the Board."

48 *Insertion of new section 61B in Bombay Act VI of 1879.*—After section 61A of the Bombay Act, the following section shall be inserted, namely :—

"61B *Responsibility of Board for loss, etc., of goods.*—The responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall, subject to the other provisions of this Act and subject also in the case of goods received for carriage by railways to the provisions of the Indian Railways Act, 1890 (IX of 1890), be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (IX of 1872), omitting the words 'in the absence of any special contract' in section 152 of the last-mentioned Act."

49. *Amendment of section 64A, Bombay Act VI of 1879.*—In section 64A of the Bombay Act,—

(1) in sub-section (1), after the words "sent by post", the following

shall be inserted, namely :—

"or if the notice cannot be so served upon him or his address is not known, cause a notice to be published in the official Gazette and also in at least one of the principal local daily newspapers".

(2) in the proviso to sub section (1), for the words "served under this section" the words "so served or published under this sub-section" shall be substituted ;

(3) in sub-section (2), for the words, brackets and figure "If such owner or person is not known or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the Board may at any time after the goods have become liable to be sold under sub-section (1)", the following shall be substituted, namely :—

"If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Board may at any time after the expiration of one month from the date on which the notice was so served or published in the Official Gazette."

50. *Amendment of section 68, Bombay Act VI of 1879.*—In section 68 of the Bombay Act,—

(1) in the proviso, for the words "two thousand" the words "ten thousand" shall be substituted ;

(2) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that where the estimated cost of any new work has been approved by the Central Government, no expenditure which exceeds by more than ten per cent the estimated cost so approved shall be incurred by the Board without the previous approval of the Central Government."

51. *Insertion of new sections 68A, 68B and 68C in Bombay Act VI of 1879.*—After section 68 of the Bombay Act, the following sections shall be inserted, namely :—

"68A. *Power of Chairman as to execution of works.*—Notwithstanding anything contained in section 68, the Chairman may direct the execution of any work the cost of which does not exceed five thousand rupees, and may enter into contracts for the execution of such works and in every such case, the Chairman shall make a report to the Board at its next meeting of any such directions given or contracts entered into by him "

68B. *Power of Central Government to order survey or examination of works.*—The Central Government may, at any time order a local survey or examination of any works of the Board, or the intended site thereof, and the cost of such survey and examination shall be borne and paid by the Board out of the moneys credited to the general account of the Board.

68C. *Power of Central Government to restore or complete works at the cost of Board.*—If at any time, the Board, –

(a) allow any work constructed by, or vested in, the Board under this Act to fall into dis-repair, or

(b) do not, within a reasonable period, complete any work commenced by the Board, or included in any estimate approved by the Central Government, or

(c) do not, after due notice in writing, proceed to carry out effectually any work or repair which is necessary in the opinion of the Central Government for the purposes of this Act,

the Central Government may cause such work to be restored or completed or carried out, or such repair to be carried out, and the cost of any such restoration, completion, construction or repair shall be paid by the Board, and if the Board do not within a reasonable time provide for such pay-

ment, the same shall be recoverable in the manner provided in the Local Authorities Loans Act, 1914 (IX of 1914).

52. *Amendment of section 72, Bombay Act VI of 1879.*—In section 72 of the Bombay Act, the words "and all fees for pilotage shall be paid to the Board" shall be omitted.

53. *Insertion of new section 72A in Bombay Act VI of 1879.*—After section 72 of the Bombay Act, the following shall be inserted, namely :—

"*Powers of the Board as Conservator, etc.*

72A. *Moneys received by the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.*—(1) All moneys received by the Board as the Conservator of the Port or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908) excluding all fees and all fines and penalties creditable to the pilotage account of the port under sub-section (5a) of that section shall be deemed to be a portion of the income of the Board and shall be included in their annual estimates and accounts.

(2) *Powers, etc, of the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.*—All the powers, authorities and restrictions contained in this Act in respect of the works by this Act authorised shall apply to the works which may be executed by the Board as such Conservator or body, not being works the cost of which is chargeible to the pilotage account of the port under sub-section (5b) of section 36 of the Indian Ports Act, 1908, and also to the sanction of such works, the estimates therefor and the expenditure thereunder."

54. *Amendment of section 73, Bombay Act VI of 1879.*—In section 73 of the Bombay Act,

(a) at the end of clause (g), the word "and" shall be added ;

(b) clause (h) shall be omitted.

55. *Amendment of section 74, Bombay Act VI of 1879.*—In section 74 of the Bombay Act, for the words "for three weeks successively in the said Gazette" the words "for two weeks successively in the said Gazette and until fourteen days have expired from the date on which the same had been first published in that Gazette" shall be substituted.

56. *Substitution of new section for section 79, Bombay Act VI of 1879.*—For section 79 of the Bombay Act, the following section shall be substituted, namely :—

"79 *Persons employed under this Act to be public servants for certain purposes*.—Every person employed under this Act shall, for the purposes of sections 161 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code (Act XLV of 1860) and for the purposes of the Prevention of Corruption Act, 1947 (II of 1947), be deemed to be a public servant within the meaning of section 21 of the said Code."

57. *Amendment of section 82, Bombay Act VI of 1879*.—In section 82 of the Bombay Act,—

(1) for the words "weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been understated", the following shall be substituted, namely :—

"weight, quantity, value or description of such goods or the tonnage of any vessel carrying such goods has been understated or incorrectly given" ;

(2) for the words "weight or quantity of goods or amount of tonnage so understated as may be determined by the Board, and the said sum shall on the application of the Board", the following shall be substituted, namely :—

"entire weight, quantity or value of the consignment of goods so understated or incorrectly described or on the amount of tonnage so understated as may be determined by the Board or when any officer of the Board has, subject to such conditions as may be laid down by the Board, been generally or specially authorised by the Board in this behalf, by such officer, and the said sum shall on application by or on behalf of the Board."

58. *Insertion of new section 86A in Bombay Act VI of 1879.*—After section 86 of the Bombay Act, the following section shall be inserted, namely :—

"86A. *Application of certain provisions of the Act to aircraft.*—The provisions of sections 43, 43A, 45, 66, 67, 68, 73, 83, 84 and 87 shall apply in relation to all aircraft making use of the port while on water as they apply in relation to vessels."

59. *Addition of new sections 88, 89 and 90 to Bombay Act VI of 1879.*—After section 87 of the Bombay Act, the following sections shall be inserted, namely :—

"88. *Power to evict certain persons from the premises of the Board.*—(1) Notwithstanding anything contained in any other law, if the Board in exercise of the powers conferred on them by regulations made under this Act cancel the allotment of any premises made to any employee of the Board, the Board may, by notice in writing, order such allottee or any other person who may be in occupation of the whole or any part of the premises to vacate them and deliver the same to the Board or a person appointed by the Board in that behalf within such period as may be specified in the notice.

Explanation.—For the purposes of this section, "premises" means any building or part of a building and includes—

(i) the gardens, grounds and outhouses, if any, appertaining to such building or part of a building ;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ; and

(iii) any furniture, books or other things belonging to the Board and found in such building or part of a building.

(2) If any allottee or other person refuses or fails to comply with an order made under sub-section (1), any presidency-magistrate or magistrate of the first class may, on application made by or on behalf of the Board, order any police officer, with proper assistance, to enter into the premises and evict any person from, and take possession of, the premises and to deliver the same to the Board or a person appointed by the Board in that behalf and the police officer may, for that purpose, use such force as may be necessary.

(3) Any such notice as is referred to in sub-section (1) may be served—

(a) by delivering or tendering it to the allottee or any other person who may be in occupation of the whole or any part of the premises, or

(b) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises, or

(c) by registered post.

89. *Annual administration report of the port.*—As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Central Government, the Board shall submit to the Central Government a detailed report of the administration

of the Port during the preceding year ending on the thirty-first day of March in such form as the Central Government may direct.

90. *Power to supersede the Board*.—(1) If, at any time, the Central Government are of opinion,—

(a) that on account of a grave emergency, the Board are unable to perform the duties imposed on them by or under the provisions of this Act or of any other law, or

(b) that the Board have persistently made default in the performance of the duties imposed on them by or under the provisions of this Act or of any other law and as a result of such default, the financial position of the Board or the administration of the Port has greatly deteriorated,

the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months at a time, as may be specified in the notification.

Provided that before issuing a notification under this sub section for reasons mentioned in clause (b), the Central Government shall give a reasonable time of not less than three months to the Board to show cause why the Board should not be superseded and shall consider the explanation and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1) superseding the Board the following consequences shall ensue :—

(a) all the trustees shall, as from the date of supersession, vacate their office as such trustees ;

(b) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Board, shall, until the Board are reconstituted under clause (b) or clause (c) of sub-section (3), be exercised and performed by such person or persons as the Central Government may direct ;

(c) all property vested in the Board shall, until the Board are reconstituted under clause (b) or clause (c) of sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term, not exceeding six months, as they may consider necessary ; or

(b) reconstitute the Board by fresh appointment and fresh election, and in such case any persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment or election as the case may be ; or

(c) reconstitute the Board by appointment only for such period as they may consider necessary and in such case the persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for such appointment merely because they were trustees when the Board were superseded :

Provided that the Central Government may at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) or clause (c) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before Parliament at the earliest possible opportunity."

CHAPTER III

AMENDMENT OF BENGAL ACT III OF 1890.

60. *Amendment of section 3, Bengal Act III of 1890.*—In section 3 of the Calcutta Port Act, 1890 (hereinafter in this Chapter referred to as the Calcutta Act),—

(a) in clause (1), for the words "of the port" the words "for the Port" shall be substituted ;

(b) for clause (6), the following clause shall be substituted, namely :—

"(6) 'master' when used in relation to any vessel or to any air-craft making use of the port, means any person having for the time being the charge or control of such vessel or such aircraft, as the case may be, except a pilot, harbour master, berthing master, dock master or assistant harbour master of the port." ;

(c) after clause (8), the following clauses shall be inserted, namely :—

"(8a) 'Port approaches' shall mean those parts of the navigable rivers and channels leading to the port in which the Indian Ports Act, 1908 (XV of 1908) is in force ;

(8b) 'public securities' shall mean—

(a) promissory notes, debentures, stock or other securities of the Central Government or of any State Government ;

(b) debentures or other securities for money issued by, or on behalf of, any municipal body, Improvement Trust or Port Trust under the authority of any law for the time being in force in India, and includes the debentures or other securities issued by the Commissioners under this Act."

(d) for clause (9), the following clause shall be substituted, namely :—

"(9) vessel includes anything made for the conveyance mainly by water of human beings or of property."

61. *Insertion of new section 3A in Chapter I of Bengal Act III of 1890.*—In Chapter I of the Calcutta Act, after section 3, the following section shall be inserted, namely :—

"3A. *Requirements as to publication of notifications, orders, etc, in the Official Gazette.*— (1) Any requirement in this Act that a notification, order, rule or bye-law issued or made by the Commissioners or by the Central Government shall be published in the Official Gazette, shall, unless otherwise expressly provided in this Act, be construed as a requirement that the notification, order, rule or bye-law shall —

(a) where it is issued or made by the Commissioners, be published in the Official Gazette of the State, and

(b) where it is issued or made by the Central Government, be published in the Gazette of India.

(2) Any notification, order, rule or bye-law issued or made by the Central Government shall, for general information, be also republished in the Official Gazette of the State."

62. *Amendment of section 6, Bengal Act III of 1890.* - After sub-section (2) of section 6 of the Calcutta Act, the following sub-section shall be inserted, namely :—

"(3) All the Commissioners other than those who are *ex-officio* Commissioners or elected Commissioners shall be appointed either by name or by virtue of office by the Central Government by notification in the Official Gazette."

63. *Substitution of new section for section 8, Bengal Act III of 1890.* — For section 8 of the Calcutta Act, the following section shall be substituted, namely : —

"8. *Appointment of Chairman and Deputy Chairman.*—The Chairman and Deputy Chairman shall be appointed by the Central Government by

notification in the Official Gazette and shall hold office during the pleasure of the Central Government."

64. *Repeal of section 9, Bengal Act III of 1890.*—Section 9 of the Calcutta Act is hereby repealed.

65. *Substitution of new section for section 10, Bengal Act III of 1890.*—For section 10 of the Calcutta Act, the following section shall be substituted, namely :—

"10. *Term of office of Commissioners.*—(1) Subject to the provisions hereinafter contained, every person appointed by name or elected to be a Commissioner shall hold the office to which he shall be appointed or elected for a term of two years commencing on the first day of April next following his appointment or election, as the case may be, but may, at the expiration of such term, be re-appointed or re-elected.

(2) Subject to the provisions of section 10A, every person appointed by the Central Government to be a Commissioner by virtue of an office shall, until the Central Government by notification in the Official Gazette otherwise directs, continue to be a Commissioner so long as he continues to hold that office.

(3) The term of office of every Commissioner appointed by name or elected as such and holding office on the 1st day of April next following the commencement of the Port Trusts and Ports (Amendment) Act, 1951, shall be deemed to have expired on that day."

66. *Insertion of new section 10A in Bengal Act III of 1890* —After section 10 of the Calcutta Act, the following section shall be inserted, namely :—

"10A. *Resignation of Commissioners* —A Commissioner appointed by the Central Government whether by name or by virtue of an office or an elected Commissioner may at any time resign his office by giving notice in writing to the Chairman who shall forward the same to the Central Government, and on such resignation being accepted by that Government, he shall cease to be a Commissioner, and his office shall thereupon become vacant."

67. *Amendment of section 11, Bengal Act III of 1890.*—In section 11 of the Calcutta Act,—

(1) for sub section (1), the following sub-section shall be substituted, namely :—

"(1) The Chairman and Deputy Chairman shall receive such salary and allowances, if any, as may from time to time be fixed by the Central Government."

(2) sub-section (2) shall be omitted ;

(3) in sub-section (3), after the words "paid to the Commissioners" the words "or any class of them" shall be inserted.

68. *Amendment of section 13, Bengal Act III of 1890.* – In sub-section (1) of section 13 of the Calcutta Act, –

(1) for the words "leave allowance" the words "leave salary and allowances, if any" shall be substituted ;

(2) after the words "the salary" the words "and allowances, if any," shall be inserted.

69. *Substitution of new section for section 13A, Bengal Act III of 1890.*– For section 13A of the Calcutta Act, the following section shall be substituted, namely :—

"13A. *Gratuity, etc. for Chairman or Deputy Chairman* – The Central Government may fix the amount of gratuity or compassionate allowance, if any, which shall be paid to the Chairman or Deputy Chairman on his

retirement from office and may determine the conditions under which the said gratuity or compassionate allowance shall be so payable."

70. *Insertion of new section 13B in Bengal Act III of 1890.*—After section 13A of the Calcutta Act, the following section shall be inserted, namely :—

"13B. *Permission to Chairman and Deputy Chairman to join provident fund.*—Notwithstanding anything contained in this Act, the Central Government may permit the Chairman and the Deputy Chairman or either of them who, before such appointment, had been an employee of the Commissioners, to join the provident fund established by the Commissioners under section 30A for the benefit of their employees and may determine the conditions and restrictions subject to which such permission may be given."

71. *Substitution of new section for section 14, Bengal Act III of 1890.*—For section 14 of the Calcutta Act, the following section shall be substituted, namely :—

"14. *Filling of vacancies in the office of Commissioners.*—(1) Every vacancy in the office of an elected Commissioner or of a Commissioner appointed by name caused by the expiration of the term of office of such Commissioner shall be filled by election or appointment, as the case may be, within one month immediately preceding the date of expiration of such term.

(2) Every vacancy in the office of a Commissioner appointed by the Central Government by virtue of an office caused by the expiration of the term of office of such Commissioner or otherwise shall be filled by appointment within one month of the occurrence of such vacancy."

72. *Amendment of section 15, Bengal Act III of 1890.*—In section 15 of the Calcutta Act,—

(1) in sub-section (1)—

(a) for the words "elected Commissioners" the words "elected or appointed Commissioner" shall be substituted ;

(b) after the word "election" the words "or appointment, as the case may be," shall be inserted ;

(2) in sub section (2), after the word "elected" the words "or appointed" shall be inserted ;

(3) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Nothing in this section shall prevent a person being elected or appointed as a Commissioner for a period shorter than three months in the place of an absent Commissioner on the application of the Commissioners in meeting if the absentee is an elected Commissioner, or at the discretion of the Central Government if he is a Commissioner appointed by the Central Government."

73. *Substitution of new section for section 16, Bengal Act III of 1890.*—For section 16 of the Calcutta Act, the following section shall be substituted, namely :—

"16. *Filling of casual vacancies.*—Any casual vacancy in the office of an elected Commissioner or of a Commissioner appointed by name caused by the death or resignation of such Commissioner or by virtue of the provisions of sub-section (2) of section 17, shall be filled within one month by election or appointment, as the case may be, in the manner hereinbefore provided :

Provided that the Commissioner so elected or appointed shall retain his office so long only as the vacating Commissioner would have retained

the same if such vacancy had not occurred."

74. *Insertion of new section 16A in Bengal Act III of 1890.*—After section 16 of the Calcutta Act, the following section shall be inserted, namely :—

"16A. *Saving provision for appointment or election of Commissioners after the prescribed period.*—(1) Nothing in the foregoing provisions shall prevent a person being appointed by the Central Government to fill any vacancy in the office of a Commissioner appointed by the Central Government either by name or by virtue of an office after the expiration of the period specified therefor in section 14 or section 16, as the case may be, if for any reason it has not been possible for the Central Government to make the appointment within the said period.

(2) If the Central Government is satisfied that an electing body has failed to elect a Commissioner within the period specified therefor in section 14 or section 16, as the case may be, for reasons beyond its control, the Central Government may, by notification in the Official Gazette, direct that the election shall be held on or before such date (after the expiration of the said period) as may be specified in the notification.

(3) Where a Commissioner is appointed by name or elected under sub-section (2) of this section or appointed under section 7, to fill any such vacancy as is referred to in section 14 after the expiration of the period specified therefor in that section, the term of office of such Commissioner shall commence on the date on which his appointment or election, as the case may be, is notified in the Official Gazette and shall expire on the date on which his term of office would have expired if his appointment or election, as the case may be, had been made within the period so specified in section 14.

75. *Substitution of new sections for section 17, Bengal Act III of 1890.*—For section 17 of the Calcutta Act, the following sections shall be substituted, namely :—

"17. *Disqualifications of Commissioners :* (1) A person shall be disqualified to be a Commissioner if he—

(*a*) is an undischarged insolvent, or

(*b*) has been convicted and sentenced to imprisonment for an offence involving moral turpitude punishable with imprisonment for a term exceeding six months, or to transportation, such conviction not having been subsequently reversed or quashed, unless the Central Government has by order removed the disqualification.

(2) Every person other than an *ex-officio* Commissioner or a Commissioner appointed by the Central Government by virtue of an office :—

(*a*) who, at any time after he becomes a Commissioner, shall be absent from six consecutive meetings without having the permission in that behalf of the Commissioners or who having such permission shall be absent from the meetings for a period exceeding one year ; or

(*b*) who shall, at any time after he becomes a Commissioner, accept or agree to accept any office or place of profit under this Act ; or

(*c*) who shall, save with the sanction of the Central Government participate or agree to participate in the profits of any work done by order of the Commissioners or be concerned or participate in the profits of any contract entered into with the Commissioners ; or

(*d*) who becomes disqualified for any of the reasons mentioned in sub-section (1) ; or

(*e*) who acts in contravention of the provisions of section 17A, shall

thenceforth cease to be a Commissioner and his office shall thereupon become vacant :

Provided that no such Commissioner shall vacate his office by reason only of his being a shareholder in any registered joint stock company with which the Commissioners may enter into any contract or by reason of his being interested in any loan of money to the Commissioner :

Provided further that no such Commissioner shall vacate his office by reason of his being interested in any purchase or lease of land or premises the sale or lease of which the Commissioners may determine on at a meeting under the provisions of this Act, or of his being interested in any agreement under which facilities may be granted for the landing or shipment of goods in return for stipulated income guaranteed to the Commissioners in consideration of their undertaking to construct or provide such facilities.

17A. *Restriction on power of Commissioners to vote or discuss matters in which they are interested* —A Commissioner shall not vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Commissioners or of any committee of their number, if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested either professionally on behalf of a client or as agent for any person other than the Central Government, a local authority or a railway company.

76. *Amendment of section 19, Bengal Act III of 1890* —In section 19 of the Calcutta Act, the words "sum of five and a half lakhs set apart by the Commissioners as a reserve fund prior to the passing of this Act, and the further" shall be omitted.

77. *Amendment of section 24, Bengal Act III of 1890.*—In sub section (3) of section 24 of the Calcutta Act, for the words "the promissory notes and other securities of the Central Government or in the debentures issued by the Commissioners under this Act" the words "public securities or in such other securities as the Central Government may approve in this behalf" shall be substituted.

78. *Amendment of section 24A, Bengal Act III of 1890.*—In section 24A of the Calcutta Act, for the words "current value", wherever they occur, the words "current market value" shall be substituted

79. *Amendment of section 24B, Bengal Act III of 1890.*—In sub-section (2) of section 24B of the Calcutta Act, for the words "the promissory notes and other securities of the Central Government or in the debentures issued by the Commissioners under this Act" the words "public securities or in such other securities as the Central Government may approve in this behalf" shall be substituted

80. *Amendment of section 24C, Bengal Act III of 1890.*—To section 24C of the Calcutta Act, the following sub-section shall be added, namely :—

"(4) All the debentures or securities of the Commissioners heretofore purchased by, issued, transferred or assigned to, or indorsed into the names of the Commissioners or any person on their behalf, and all debentures and securities heretofore issued by way of renewal, consolidation or subdivision of any such debentures or securities, shall be and shall be deemed to have always been valid and negotiable in all respects and in the same manner and to the same extent as if held by, or issued, transferred, assigned, or indorsed to, any other person."

81. *Amendment of section 27, Bengal Act III of 1890.*—In section 27 of the Calcutta Act,—

(a) for the words "It shall be lawful for the Commissioners in meeting, if they think fit" the words "The Commissioners in meeting may, with the previous sanction of the Central Government, apply any sums" shall be substituted ;

(b) for the words "to repay" the words "in repaying" shall be substituted.

82. *Addition of new sections 27A to 27L in Chapter III of Bengal Act III of 1890.*—In Chapter III of the Calcutta Act, after section 27, the following sections shall be inserted, namely :—

"27A. *Right of survivors of joint or several payees of debentures or securities.*—(1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 1872),—

(a) when any debenture or security issued by the Commissioners under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons, and

(b) when any such debenture or security is payable to two or more persons severally, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons or to the representatives of the deceased or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after the commencement of this Act.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any debenture or security to which sub-section (1) applies.

(4) For the purposes of this section, a body incorporated under the Indian Companies Act, 1913 (VII of 1913), or the Co-operative Societies Act, 1912 (II of 1912), or any other enactment for the time being in force, whether within or without India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.

27B. *Power of one of two or more joint holders to grant receipts.*—Where two or more persons are joint holders of any debenture or security issued by the Commissioners under this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Commissioners by any other of the holders.

27C. *Indorsements to be made on debenture or security itself.*—Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881 (XXVI of 1881), no indorsement of a debenture or security issued by the Commissioners under this Act and transferable by indorsement shall be valid unless made by the signature of the holder inscribed on the back of the debenture or the security itself.

27D. *Indorser of debentures or securities not liable for amount thereof.*—Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), a person shall not by reason only of his having indorsed any debenture or security issued by the Commissioners under this Act be liable to pay any money due either as principal or as interest thereunder.

27E. *Impression of signature on debentures and securities.*—(1) The signature of the person authorised to sign debentures or securities on behalf of the Commissioners may be printed, engraved or lithographed or impressed by such other mechanical process as the Commissioners in meeting may direct, on the debentures or securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised.

27F. *Issue of duplicate debentures and securities.*—(1) When any debenture or security issued by the Commissioners under this Act is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom, but for the loss, theft or destruction it would be payable, he may, on application to the Commissioners and on producing proof to their satisfaction of the loss, theft or destruction and of the justice of the claim and on payment of such fee, if any, as may be prescribed by rules made under section 27I, obtain from the Commissioners an order for—

(a) the payment of interest in respect of the debenture or security said to be lost, stolen or destroyed pending the issue of a duplicate debenture or security, and

(b) the issue of a duplicate debenture or security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of such notification as may be prescribed by rules made under section 27I of the loss, theft or destruction.

(3) A list of the debentures or securities in respect of which an order is passed under sub-section (1) shall be published in such manner as may be prescribed by such rules.

(4) If at any time before the Commissioners become discharged under the provisions of this Act from liability in respect of any debenture or security the whole of which is alleged to have been lost, stolen or destroyed such debenture or security is found, any order passed in respect thereof under this section shall be cancelled.

27G. *Issue of converted, etc., debentures and securities* —(1) The Commissioners may, subject to such conditions as may be prescribed by rules made under section 27I, on the application of a person claiming to be entitled to any debenture or security or debentures or securities issued by the Commissioners under this Act, on being satisfied of the justice of the claim and on delivery of the debenture or security or debentures or securities receipted in the manner prescribed by such rules and on payment of such fees, if any, as may be so prescribed, convert, consolidate or sub-divide the debenture or security or debentures or securities and issue to the applicant a new debenture or security or debentures or securities accordingly.

(2) The conversion, consolidation or sub-division referred to in sub-section (1) may be into a debenture or security or debentures or securities of the same or different classes or of the same or different loans.

27H. *Discharge in certain cases* —Notwithstanding anything contained in section 10 of the Indian Limitation Act, 1908 (IX of 1908),—

(i) on payment of the amount due on any debenture or security issued by the Commissioners under this Act on or after the date on which payment becomes due, or

(ii) when a duplicate debenture or security has been issued under section 27F, or

(iii) when a new debenture or security or debentures or securities has or have been issued upon conversion, consolidation or sub-division under section 27G,

the Commissioners shall be discharged from all liability in respect of the

debenture or security or debentures or securities so paid or in place of which a duplicate or new debenture or security or debentures or securities has or have been issued—

(a) in the case of payment after the lapse of six years from the date on which payment was due ;

(b) in the case of a duplicate debenture or security—after the lapse of six years from the date of the publication under sub-section (3) of section 27F of the list in which the debenture or security is first mentioned or from the date of the last payment of interest on the original debenture or security, whichever date is later ;

(c) in the case of a new debenture or security issued upon conversion, consolidation or sub-division—after the lapse of six years from the date of the issue thereof.

271. *Power of Commissioners to make rules.*—(1) The Commissioners in meeting may from time to time make rules to provide for all or any of the following matters, namely :—

(a) the person, if any, authorised to sign and the mode of affixing the corporate seal and of attestation of documents relating to the debentures and other securities issued by the Commissioners under this Act :

(b) the manner in which payment of interest in respect of such debentures or other securities is to be made and acknowledged ;

(c) the circumstances and the manner in which such debentures and other securities may be renewed ;

(d) the circumstances in which such debentures and other securities must be renewed before further payment of interest thereon can be claimed ;

(e) the forms in which the debentures or other securities delivered for renewal, conversion, consolidation or sub-division are to be receipted ;

(f) the proof which is to be produced by persons applying for duplicate debenture or other securities ;

(g) the form and manner of publication of the notification mentioned in sub-section (2) of section 27F and the manner of publication of the list mentioned in sub-section (3) of that section ;

(h) the nature and amount of indemnity to be given by a person applying for the payment of interest on such debentures or other securities alleged to have been wholly or partly lost, stolen or destroyed or for the issue of duplicate debentures or other securities ;

(i) the conditions subject to which such debentures or other securities may be converted, consolidated or sub-divided ;

(j) generally all matters connected with the grant of duplicate, renewed, converted, consolidated and sub-divided debentures or other securities, and

(k) the fees to be levied in respect of the issue of duplicate debentures or other securities and of the renewal, conversion, consolidation and sub-division of the debentures or other securities issued by the Commissioners under this Act.

(2) The Commissioners in meeting may from time to time repeal, alter or add to any rule made under this section.

(3) No rule or repeal or alteration of, or addition to, a rule shall have effect until approved by the Central Government and such approval has also been published in the Official Gazette.

(4) No rule and no repeal or alteration of, or addition to, any rule shall be approved by the Central Government until the same has been

published in two consecutive issues of the Official Gazette and until fourteen days have expired from the date on which the same had been first published in that Gazette.

(5) The Central Government may at any time by notification in the Official Gazette cancel any rule published under the provisions of this section.

27J. *Limitation of claims against sinking fund trustees in respect of debentures.*—Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 1908), no claim shall lie against the trustees of the sinking fund in respect of any debenture issued by the Commissioners under this Act after the lapse of six years from the earliest date on which demand could have been made for the payment of the amount due on such debenture.

27K. *Power of Commissioners to borrow by means of temporary overdraft or otherwise.*—Notwithstanding anything contained in this Act, the Commissioners in meeting may borrow moneys by means of temporary overdraft or otherwise by pledging the debentures or other securities held by them in their reserve funds or on the security of their fixed deposits in their banks :

Provided that such temporary overdrafts or other loans—

(a) shall not at any time have a longer currency than six months, and

(b) shall not be taken without the previous sanction of the Central Government, if at any time in any year the amount of such overdrafts or other loans exceeds ten lakhs of rupees :

Provided further that all moneys so borrowed by temporary overdraft or otherwise shall be expended for the purposes of this Act.

27L. *Power of the Commissioners to raise loans under the Local Authorities Loans Act, 1914.*—Nothing contained in this Act shall be deemed to affect the power of the Commissioners in meeting to raise loans under the Local Authorities Loans Act, 1914 (IX of 1914)."

83. *Substitution of "employees, etc." for "officers and servants, etc," in sections 30, 30A, 31, 32, 33, 54, 75, 104A, 105, 117 and 135.*—Save as otherwise expressly provided in this Act, in sections 30, 30A, 31, 32, 33, 54, 75, 104A, 105, 117 and 135, for the words "officers and servants" or "officers or servants" or "officer or servant" or "officer" or "servant" wherever they occur the words "employees" or "employee", as the case may be, shall be substituted

84. *Amendment of section 30, Bengal Act III of 1890.*—In the proviso to sub-section (2) of section 30 of the Calcutta Act, for the words, figures, brackets and letters "section 31, except clauses (g) and (h) thereof, section 32 or section 33" the words and figures "section 32" shall be substituted.

85. *Amendment of section 30A, Bengal Act III of 1890* —In clause (ii) of section 30A of the Calcutta Act, after the words 'widows or dependent children" the words "or other surviving dependent relatives" shall be inserted.

86. *Amendment of section 31, Bengal Act III of 1890.*—In section 31 of the Calcutta Act, –

(1) in sub-section (1)—

(a) the word "and" at the end of clause (g) shall be omitted ;

(b) after clause (g), the following clause shall be inserted, namely :—

"(gg) for authorising the payment of contributions to any welfare fund or loan fund which may be established by the Commissioners for the

benefit of their employees :

Provided that no such loan fund shall be established without the previous sanction of the Central Government and the maximum rate of annual contribution to any such welfare fund or loan fund and the maximum amount to which any such fund may be allowed to accumulate shall be fixed from time to time by the Central Government ;" ;

(c) after clause (h), the following clause shall be inserted, namely :—

"(i) for regulating the recruitment, promotion, conduct, discipline, punishment and any other matter relating to the terms and conditions of service applicable to the employees of the Commissioners, or allotment of premises to them or their rights and their privileges, not covered by any of the foregoing clauses." ;

(d) the proviso shall be omitted.

(2) In sub-section (3)—

(a) for the words, brackets and letters "clauses (a) to (e) (both inclusive) and under clauses (g) and (h)" the word, brackets and figure "sub-section (1)" shall be substituted ;

(b) for the word "confirmed" the word "approved" shall be substituted.

87. *Substitution of new section for section 32, Bengal Act III of 1890.*— For section 32 of the Calcutta Act, the following section shall be substituted, namely :—

"32. *Appointments, etc., by whom to be made.*—(1) Subject to the provisions of the Schedule, for the time being in force, sanctioned by the Commissioners under section 30 and of the rules framed under section 31 and also to the provisions of section 34, the power of appointing, promoting, granting leave to, suspending, fining, reducing or dismissing, or of disposing of any other question relating to the services of the employees of the Commissioners including the power of dispensing with the services of any such employee otherwise than by reason of the misconduct of such employee shall be exercised in the case of employees whose maximum monthly salary exclusive of allowances is less than one thousand rupees, by the Chairman or the Deputy Chairman, and in every other case, by the Commissioners in meeting.

(2) The Chairman may, upon such terms as he may think fit and subject to the provisions referred to in sub-section (1) and to the Chairman's powers of revision and control delegate to the head of any department for the time being all or any of his powers under the said sub-section in respect of the employees of that department whose monthly maximum salary, exclusive of allowances does not exceed three hundred and fifty rupees.

(3) Notwithstanding anything contained in sub-section (1), the power to make appointment to posts of heads of departments shall be exercisable only by the Central Government after consultation with the Chairman.

(4) The Central Government may by order specify each of the posts the incumbent of which shall for the purposes of this section be regarded as the head of a department."

88. *Amendment of section 32A, Bengal Act III of 1890.*—In section 32A of the Calcutta Act for the words "shall be disposed of in such manner as the Commissioners may think fit" the words "shall be credited to any such welfare fund as may be established by the Commissioners for the benefit of their employees" shall be substituted.

89. *Repeal of section 33, Bengal Act III of 1890.*—Section 33 of the Calcutta Act is hereby repealed.

90. *Substitution of new section for section 34, Bengal Act III of 1890.*—For section 34 of the Calcutta Act. the following section shall be substituted, namely :—

"34. *Certain orders of Commissioners subject to previous sanction of Central Government.*—(1) Every order made by the Commissioners under section 30 or section 32, save where such order has been made in accordance with the rules, for the time being in force, framed under section 31, shall so far as the same relates to the Deputy Chairman or to any employee of the Commissioners whose maximum monthly salary exclusive of allowances is not less than one thousand rupees, be subject to the sanction of the Central Government.

(2) For the purposes of sub-section (1). any person, who may, from time to time, be employed as Consulting Engineer to the Commissioners, otherwise than on the basis of payment of monthly salary, shall be deemed to be an employee whose maximum monthly salary exclusive of allowances is not less than one thousand rupees."

91. *Amendment of section 35, Bengal Act III of 1890* —To section 35 of the Calcutta Act, the following clause shall be added, namely :—

"(9) the sinking of tubewells and the equipment, maintenance and use of boats, barges and other appliances for the purpose of the supply of water to shipping at the port."

92. *Substitution of new section for section 38, Bengal Act III of 1890* —For section 38 of the Calcutta Act, the following section shall be substituted, namely :—

"38. *Power to supersede the Commissioners.*—(1) If, at any time, the Central Government is of opinion –

(a) that on account of a grave emergency, the Commissioners are unable to perform the duties imposed on them by or under the provisions of this Act or of any other law, or

(b) that the Commissioners have persistently made default in the performance of the duties imposed on them by or under the provisions of this Act or of any other law and as a result of such default, the financial position of the Commissioners or the administrations of the Port has greatly deteriorated,

the Central Govern ment may, by notification in the Official Gazette, supersede the Commissioners for such period not exceeding six months at a time, as may be specified in the notification :

Provided that before issuing a notification under this sub section for reasons mentioned in clause (b), the Central Government shall give a reasonable time of not less than three months to the Commissioners to show cause why they should not be superseded and shall consider the explanations and objections, if any, of the Commissioners.

(2) Upon the publication of a notfication under sub-section (1) superseding the Commissioners, the following consequences shall ensue :—

(a) all the Commissioners shall, as from the date of supersession, vacate their offices as such Commissioners ;

(b) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Commissioners, shall, until the Commissioners are reconstituted under clause (b) or clause (c) of sub-section (3), be exercised and performed by such person or persons as the Central Government may direct ;

(c) all property vested in the Commissioners shall, until the Commissioners are reconstituted under clause (b) or clause (c) of sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary ; or

(b) reconstitute the Commissioners by fresh appointment and fresh election, and in such case any persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment or election as the case may be ; or

(c) reconstitute the Commissioners by appointment only for such period as it may consider necessary and in such a case, the persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for such appointment merely because they were Commissioners at the time of supersession :

Provided that the Central Government may, at any time before the expiration of the priod of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) or clause (c) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before Parliament at the earliest possible opportunity."

93. *Repeal of section 39, Bengal Act III of 1890.*—Section 39 of the Calcutta Act is hereby repealed.

94. *Amendment of section 44, Bengal Act III of 1890.*—In section 44 of the Calcutta Act,—

(a) to sub-section (2), the following shall be added, namely :—

"and shall, excepting such portion thereof as the Chairman may in any particular case direct, be open to the inspection also of the public at the office of the Commissioners during office hours on payment of such fee for each inspection as may from time to time be fixed by the Commissioners in meeting."

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) A summary of the said minutes shall, as soon as practicable, be published in the Official Gazette "

95. *Amendment of section 48, Bengal Act III of 1890.* - To section 48 of the Calcutta Act, the following proviso shall be added, namely :—

"Provided that no contract, under or by virtue of which a sum greater than seven lakhs of rupees may in any event be payable by the Commissioners, shall be valid unless it has been made with the previous sanction of the Central Government."

96. *Amendment of section 49, Bengal Act III of 1890.*—In section 49 of the Calcutta Act, for the words "two thousand" the words "ten thousand" shall be substituted.

97. *Amendment of section 50, Bengal Act III of 1890.*—In section 50 of the Calcutta Act,—

(a) for the words "one thousand" the words "five thousand" shall be substituted ;

(b) to the said section, the following shall be added, namely :—

"and in every such case, the Chairman or, as the case may be, the Deputy

Chairman shall make a report to the Commissioners at their next meeting of any such directions given or contracts entered into by him."

98. *Amendment of section 51, Bengal Act III of 1890.*—To section 51 of the Calcutta Act, the following proviso shall be added, namely :—

"Provided that where the estimated cost of any new work has been approved by the Central Government, no expenditure which exceeds by more than ten per cent. the estimated cost so approved shall be incurred by the Commissioners without the previous approval of the Central Government."

99. *Amendment of section 52, Bengal Act III of 1890.*—To section 52 of the Calcutta Act, the following proviso shall be added, namely :—

"Provided that no settlement shall be made under this section without the previous sanction of the Central Government if such settlement involves the payment by the Commissioners of a sum exceeding twentyfive thousand rupees."

100. *Substitution of new section for section 53, Bengal Act III of 1890.*—For section 53 of the Calcutta Act, the following section shall be substituted, namely :—

"53. *Mode of executing contracts or agreements.*—(1) The Chairman may, on behalf of the Commissioners, enter into any contract or agreement whereof the value or amount shall not exceed five thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract or agreement on behalf of the Commissioners shall be in writing and shall be signed by the Chairman and by two other Commissioners, and shall be sealed by the common Seal of the Commissioners.

(2) No contract or agreement not executed as is in this section provided shall be binding on the Commissioners."

101. *Amendment of section 55, Bengal Act III of 1890.*—In the proviso to section 55 of the Calcutta Act, for the words "ten years" the words "thirty years" shall be substituted.

102. *Amendment of section 57, Bengal Act III of 1890.*—In section 57 of the Calcutta Act, for the words "shall be held upon trust for the purposes of this Act and not otherwise" the words "shall be held by the Commissioners in trust for the purposes of this Act" shall be substituted.

103. *Repeal of section 64, Bengal Act III of 1890.*—Section 64 of the Calcutta Act is hereby repealed.

104. *Insertion of new Part IV-A in Chapter IV of Bengal Act III of 1890.*—In Chapter IV of the Calcutta Act, after Part IV, the following Part shall be inserted, namely :—

PART IV A—DISPOSAL OF FUNDS

68B. *Application of moneys belonging to the Commissioners.*—Subject to the provisions of section 36 of the Indian Ports Act, 1908 (XV of 1908), the moneys belonging to the Commissioners shall be applied by them in payment of the following charges, namely :—

(1) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the Commissioners and to the employees appointed under this Act ;

(2) the contributions, if any, duly authorised to be made—

(a) to any provident fund established by the said employees, or

(b) to such provident fund, if any, as may be established under section 30A, or

(c) to such welfare fund or loan fund, if any, as may be established by the Commissioners for the benefit of such employees ;

(3) if any such provident fund or welfare fund or loan fund be established by the Commissioners, the cost and expences, if any, which may be incurred by the Commissioners in the conduct and administration thereof ;

(4) the cost of repairs and maintenance of the property vested in the Commissioners and all charges upon the same and all working expenses ;

(5) the interest due on any money that may have been raised by the Commissioners under section 18 or section 22 ;

(6) the cost, or such portion of the cost of any new work, plant, vessel or appliance which the Commissioners may determine to charge to revenue ;

(7) the payment of pensions, gratuities and compassionate allowances granted by the Commissioners to their employees injured, or to surviving relatives of their employees killed, in the execution of their duty ;

(8) the payment, under clause (ii) of section 30A of bonuses to employees appointed under this Act and to the widows or dependent children or other surviving dependent relatives of such of them as may die while still in the service of the Commissioners ;

(9) any other charge for the purposes of this Act or for which the Commissioners may be legally liable :

Provided that the Commissioners shall have power and shall be deemed always to have had power at any time to apply, with the sanction of the Central Government, the moneys belonging to them in payment of any other charge not included in the foregoing clauses of this section."

105. *Insertion of new sections 75A and 75B in Bengal Act III of 1890* After section 75 of the Calcutta Act, the following sections shall be inserted, namely :—

"75A. *Capital expenditure.*—(1) No expenditure shall be charged by the Commissioners to capital without the previous sanction of the Central Government.

(2) Nothing in sub-section (1) shall require further sanction of the Central Governn ent in the case where the actual expenditure incurred as a charge to capital exceeds the expenditure sanctioned in this behalf by the Central Government unless the excess is more than ten per cent. of the expenditure so sanctioned

75B. *Writing off of losses.*—(1) Subject to such conditions as may be specified by the Central Government, where the Commissioners are of opinion that any amount due to, or any loss, whether of money or of property, incurred by the Commissioners is irrecoverable, the Commissioners may, with the previous approval of the Central Government, sanction the writing off finally of the said amount or loss :

Provided that no such approval of the Central Government shall be necessary where such irrecoverable amount or loss does not exceed, in any individual case, two thousand and five hundred rupees or in the aggregate in any one year, fifty thousand rupees.

(2) Notwithstanding anything contained in sub-section (1), where the Chairman is of opinion that any amount due to, or any loss, whether of money or of property, incurred by the Commissioners is irrecoverable, the Chairman may sanction the writing off finally of such amount or loss, provided that such amount or loss does not exceed, in any individual case five hundred rupees or, in the aggregate in any one year, ten thousand

rupees ; and in every such case, the Chairman shall make a report to the Commissioners giving reasons for such sanction."

106. *Substitution of new section for section 76, Bengal Act III of 1890.*—For section 76 of the Calcutta Act, the following section shall be substituted, namely :—

"76. *Audit and examination of accounts.*—(1) The accounts of the receipts and expenditure under this Act shall once in every year be laid before the Central Government and shall be audited and examined by the Comptroller and Auditor-General of India at such times and in such manner as may be determined by him.

(2) Within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall forward copies of such report to the Central Government and to the Commissioners in meeting, and the Commissioners in meeting shall on receipt of such report cause the same to be deposited in the office of the Commissioners and to be published, together with an abstract of the accounts, in the Official Gazette."

107. *Insertion of new section 76A in Bengal Act III of 1890.*—After section 76 of Calcutta Act, the following section shall be inserted, namely :—

"76A. *Commissioners to remedy defects and irregularities pointed out in the audit report and Central Government to pass final orders.*—(1) The Commissioners in meeting shall forthwith take into consideration any defects or irregularities that may be pointed by the auditors in their report and shall pass such orders thereon as the Commissioners in meeting may think fit and shall also send a report of the action taken by the Commissioners to the Central Government.

(2) If there is a difference of opinion between the Commissioners and the auditors on any point included in the audit report and the Commissioners in meeting feel unable to accept the recommedations, if any, made by the auditors on such point, the matter shall forthwith be referred to the Central Government who shall pass final orders thereon and the Commissioners shall be bound to give effect to such orders."

108. *Amendment of section 79, Bengal Act III of 1890.*—In section 79 of the Calcutta Act, for the words "All auditors not being a public department, acting under this Act", the words "the Comptroller and Auditor-General of India" shall be substituted.

109. *Insertion of new section 80A, in Part V of Chapter IV of Bengal Act III of 1890.*—In Part V of Chapter IV of the Calcutta Act, after section 80, the following section shall be inserted, namely :—

"80A. *Submission of accounts to the Central Government.*—(1) The Commissioners shall annually, or oftener, if directed by the Central Government so to do, submit statements of their receipts and disbursements to the Central Government in such form and at such time as that Government may direct.

(2) A copy of all such statements shall be open to the inspection of the public at the office of the Commissioners during office hours on payment of such fee for each inspection as may from time to time be fixed by the Commissioners in meeting."

110. *Amendment of section 90, Bengal Act III of 1890.*—Section 90 of the Calcutta Act shall be renumbered as sub-section (1) thereof, and—

(a) to the said sub-section, the following proviso shall be added, namely :—

"Provided also that it shall be lawful for the Commissioners in meeting in special cases to permit goods to be landed from, or shipped upon, any such sea-going vessel by persons other than the employees or agents of the Commissioners " ; and

(b) after the said sub-section as so renumbered, the following sub-section shall be inserted, namely :—

"(2) The Commissioners may also maintain and use lighters for the purpose of landing and shipment of goods between sea going vessels at the port and the docks, wharves, quays, stages, jetties or piers erected by them."

111. *Amendment of section 93, Bengal Act III of 1890.*—In section 93 of the Calcutta Act,

(a) the words "to require the Conservator of the Port or other persons exercising the rights, powers and authorities of the Conservator of the Port" shall be omitted ;

(b) the following proviso shall be added at the end, namely :—

"Provided that if the Commissioners are not the Conservator of the port, they shall not themselves make the order as aforesaid but shall require the Conservator of the Port, or other person exercising the rights, powers and authorities of the Conservator of the Port, to make such order."

112. *Amendment of section 94, Bengal Act III of 1890.*—In section 94 of the Calcutta Act, for the words "Conservator of the Port" the words "Commissioners or as the case may be, the Conservator of the Port" shall be substituted.

113. *Substitution of new section for section 95, Bengal Act III of 1890.*—For section 95 of the Calcutta Act, the following section shall be substituted, namely :—

"95. *Power to direct goods not to be landed from or shipped upon sea-going vessels save at docks, etc., erected by Commissioners.*—Without the express sanction of the Commissioners in meeting and except in accordance with the conditions which the Commissioners in meeting may by resolution prescribe, no goods shall be landed or shipped from or upon any sea-going vessel within the port save at the docks, wharves, quays, stages, jetties or piers erected under this Act."

114. *Amendment of section 105, Bengal Act III of 1890.*—In section 105 of the Calcutta Act, for the words "any vessel or goods" the words, figures, brackets and letters "vessels or goods excepting the services in respect of vessels for which fees are chargeable under the Indian Ports Act, 1908 (XV of 1908)" shall be substituted.

115. *Amendment of section 107, Bengal Act III of 1890.*—After sub-section (1) of section 107 of the Calcutta Act, the following sub-section shall be inserted, namely :—

"(1a) *Power to levy concessional rate of charges on coastal cargo.*—In framing scales under the foregoing provisions the Commissioners in meeting may prescribe a lower rate of charges in respect of cargo carried in a vessel from one Indian port to another.

Explanation.—For the purposes of this section, the expression "Indian port" includes the ports of Diu, Daman, Marmagao, Panjim, Mahe, Karaikal and Pondicherry."

116. *Amendment of section 108, Bengal Act III of 1890.*—In section 108 of the Calcutta Act,—

(a) after the words "limits of the port" the words "or of the port

approaches" shall be inserted ;

(b) to the proviso, the following shall be added, namely :—

"or, according as the goods are landed or shipped within the limits of the port or of the port approaches."

117. *Insertion of new section 109A in Bengal Act III of 1890.*—After section 109 of the Calcutta Act, the following section shall be inserted, namely :—

"109A. *Power of Commissioners to remit tolls, etc.*—The Commissioners in meeting may, in special cases, for reasons to be recorded in writing, remit the whole or any portion of the tolls, dues, rates or charges leviable according to any scale for the time being in force under section 107 or section 109."

118. *Amendment of section 113, Bengal Act III of 1890.*—In sub-section (2) of section 113 of the Calcutta Act, for the word "three", the word "five" shall be substituted.

119. *Insertion of new section 119A in Bengal Act III of 1890.*—After section 119 of the Calcutta Act, the following section shall be inserted, namely :—

"119A. *Disposal of goods not removed from the premises of the Commissioners within time limited.*—(1) Notwithstanding anything contained in this Act, where any goods placed in the custody of the Commissioners upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Commissioners within one month from the date on which such goods were placed in their custody, the Commissioners may, if the address of such owner or person is known, cause a notice to be served upon him by letter delivered at such address or sent by post, or if the notice cannot be served upon him or his address is not known, cause a notice to be published in the Official Gazette and also in at least one of the principal local daily newspapers, requiring him to remove the goods forthwith and stating that in default of compliance therewith the goods are liable to be sold by public auction :

Provided that where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be so served or published under this sub-section unless two months have expired from the date on which the goods were placed in the custody of the Commissioners.

(2) If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Commissioners may, at any time after the expiration of one month from the date on which the notice was so served or published, sell the goods by public auction after giving notice of the sale in the manner prescribed in section 119.

(3) The Central Government may, by notification in the Official Gazette, exempt any goods or class of goods from the operation of this section."

120. *Amendment of section 120, Bengal Act III of 1890* —In sub-section (1) of section 120 of the Calcutta Act, for the words "In every case of any such sale as aforesaid" the words, figures and letter "In the case of any sale under section 118 or section 119A" shall be substituted.

121. *Insertion of new section 122D in Part IX of Chapter IV of Bengal Act III of 1890.*—In Part IX of Chapter IV of the Calcutta Act, after section 122C, the following section shall be inserted, namely :—

"122D. *Alternative remedy by suit.*—Notwithstanding anything con-

tained in section 111 and in sections 116 to 122 (both inclusive), the Commissioners may recover by suit any tolls, dues, rates, rents, charges, damages, expenses, costs or in case of sale, the balance thereof when the proceeds of sale are insufficient, or any penalties or fines payable to or recoverable by, the Commissioners under this Act or under any bye-laws made in pursuance thereof."

122. *Substitution of new section for section 123, Bengal Act III of 1890.*—For section 123 of the Calcutta Act, the following section shall be substituted, namely :—

"123. *Moneys received by the Commissioners as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.*—(1) All moneys received by the Commissioners as the Conservator of the Port and of the Port approaches, or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908), excluding all fees and all fines and penalties creditable to the pilotage account of the port under sub-section (5a) of that section, shall be deemed to be a portion of the income of the Commissioners and shall be included in their annual estimates and accounts.

(2) *Powers, etc., of Commissioners as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.*—All the powers, authorities and restrictions contained in this Act in respect of the works by this Act authorised shall apply to the works which may be executed by the Commissioners as such Conservator or body, not being the works the cost of which is chargeable to the pilotage account of the port under sub-section (5b) of section 36 of the Indian Ports Act, 1908, and also to the sanction of such works, the estimates therefor and the expenditure thereunder."

123. *Repeal of section 124, Bengal Act III of 1890.*—Section 124 of the Calcutta is hereby repealed.

124. *Amendment of section 126, Bengal Act III of 1890.*—In sub-section (4) of section 126 of the Calcutta Act, for the words "in three consecutive numbers of the Official Gazette" the words "for two weeks successively in the Official Gazette and until fourteen days have expired from the date on which the same had been first published in that Gazette."

125. *Insertion of new sections 134A and 134B in Chapter X of the Bengal Act III of 1890.*—In Chapter X of the Calcutta Act under the heading "Miscellaneous" before section 135, the following sections shall be inserted, namely :—

"134A. *Supply of reports, returns, etc., to the Central Government.*—The Chairman shall furnish to the Central Government such reports, returns, documents or other information relating to the work of the Commissioners under this Act as may, from time to time, be called for by the Central Government.

134B *Annual administration report of the Port.*—As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Central Government, the Commissioners shall submit to the Central Government a detailed report of the administration of the Port during the preceding year ending on the thirty-first day of March in such form as the Central Government may direct."

126. *Substitution of new sections for section 136, Bengal Act III of 1890.*—For section 136 of the Calcutta Act, the following sections shall be substituted, namely :—

"136. *Persons employed under this Act to be public servants for certain*

purposes.—Every person employed under this Act shall, for the purposes of sections 161 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code (Act XLV of 1860) and for the purposes of the Prevention of Corruption Act, 1947 (II of 1947), be deemed to be a public servant within the meaning of section 21 of the said Code.

136A. *Power to evict certain persons from the premises belonging to the Commissioners*.—(1) Notwithstanding anything contained in any other law, if the Commissioners, in exercise of the powers conferred on them by rules made under this Act, cancel the allotment of any premises made to any employee of the Commissioners, the Commissioners may, by notice in writing, order such allottee or any other persons who may be in occupation of the whole or any part of the premises to vacate them and deliver the same to them or a person appointed by them in that behalf within such period as may be specified in the notice.

Explanation.—For the purposes of this section, "premises" means any building or part of a building and includes—

(i) the gardens, grounds and outhouses, if any, appertaining to such building or part of a building;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof; and

(iii) any furniture, books or other things belonging to the Commissioners and found in such building or part of a building.

(2) If any allottee or other person refuses or fails to comply with an order made under sub-section (1), any presidency-magistrate or magistrate of the first class may, on application made by or on behalf of the Commissioners, order any police officer, with proper assistance, to enter into the premises and evict any person from and take possession of, the premises and to deliver the same to the Commissioners or a person appointed by them in that behalf and the police officer may for that purpose, use such force as may be necessary.

(3) Any such notice as is referred to in sub-section (1) may be served—

(a) by delivering or tendering it to the allottee or any other person who may be in occupation of the whole or any part of the premises, or

(b) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises, or

(c) registered by post."

127. *Insertion of new section 143 in Chapter X of the Bengal Act III of 1890*.—In Chapter X of the Calcutta Act, after section 142, the following section shall be inserted, namely :—

"143. *Application of certain provisions of the Act to aircraft*.—The provisions of sections 35, 89, 91, 97, 99 to 102 (both inclusive), 104, 104A, 105, 106, 121, 122, 126 and 135 shall apply in relation to all aircraft making use of the port while on water as they apply in relation to vessels."

CHAPTER IV

AMENDMENT OF MADRAS ACT II OF 1905

128. *Amendment of section 5, Madras Act II of 1905*.—In section 5 of the Madras Port Trust Act, 1905 (hereinafter in this Chapter referred to as the Madras Act),—

(a) in clause (6)—

(i) after the words "any vessel" the words "or any aircraft making use of the port" shall be inserted ;

(ii) after the words "such vessel" the words "or such aircraft, as the case may be" shall be inserted ;

(iii) the words "of the port" shall be added at the end.

(b) in clause (7), after the words "any vessel" the words "or any aircraft making use of the port" shall be inserted ;

(c) after clause (11), the following clause shall be inserted, namely—

"(11a) 'public securities' means—

(a) promissory notes, debentures, stock or other securities of the Central Government or of any State Government,

(b) debentures or other securities for money issued by or on behalf of any municipal body, Improvement Trust or Port Trust under the authority of any law for the time being in force in India, and includes the Port Trust securities;" ;

(d) in clause (13), after the word "conveyance" the word "mainly" shall be inserted ;

(e) the sentence commencing with the words "Any requirement in this Act" and ending with the words "Official Gazette of the Province" shall be omitted.

129. *Insertion of new section 5A in Chapter I of Madras Act II of 1905.*—In Chapter I of the Madras Act, after section 5, the following section shall be inserted, namely :—

"5A *Requirements as to publication of notifications, orders, etc., in the Official Gazette.* (1) Any requirement in this Act that a notification, order, rule or bye-law issued or made by the Board or by the Central Government shall be published in the Official Gazette, shall, unless otherwise expressly provided in this Act, be construed as a requirement that the notification, order, rule or bye-law shall—

(a) where it is issued or made by the Board, be published in the Official Gazette of the State, and

(b) where it is issued or made by the Central Government, be published in the Gazette of India.

(2) Any notification, order, rule or bye-law issued or made by the Central Government shall, for general information, be also republished in the Official Gazette of the State."

130. *Amendment of section 8, Madras Act II of 1905.*—In sub-section (1) of section 8 of the Madras Act, after the words "the Central Government" where they occur for the first time, the words "by notification in the Official Gazette" shall be inserted.

131. *Substitution of new section for section 9, Madras Act II of 1905.*—For section 9 of the Madras Act, the following section shall be substituted, namely :—

"9. *Appointment of Trustees by the Central Government and publication of names of elected Trustees.*—(1) The Trustees other than the Chairman and those who are *ex-officio* Trustees or elected Trustees shall be appointed either by name or by virtue of office by the Central Government by notification in the Official Gazette.

(2) The names of persons elected as Trustees shall be published by the Central Government in the Official Gazette."

132. *Amendment of section 10, Madras Act II of 1905.*—In section 10 of the Madras Act,—

(1) in sub-section (1),—

(a) for the words "No person shall be qualified to be a Trustee who", the following shall be substituted, namely :—

"A person shall be disqualified to be a Trustee if he" ;

(b) clause (a) shall be omitted ;

(c) for clause (b), the following clause shall be substituted, namely:—

"(b) has been convicted and sentenced to imprisonment for an offence involving moral turpitude punishable with imprisonment for a term exceeding six months, or to transportation, such conviction not having been subsequently reversed or quashed, unless the Central Government has by order removed the disqualification;" ;

(d) in clause (c), the words "uncertificated bankrupt, or" shall be omitted ;

(e) for the proviso to clause (d), the following proviso shall be substituted, namely :—

"Provided that this disqualification shall not apply to the Chairman, *ex-officio* Trustees and Trustees appointed by virtue of office " ;

(f) in clause (vi), for the words "two thousand" the words "ten thousand" shall be substituted ;

(2) in sub-section (2),—

(a) for the words "Any Trustee" the words "Any elected Trustee or any Trustee appointed by name" shall be substituted ;

(b) at the end of clause (c), the word "or" shall be added ; and

(c) after clause (c), the following clause shall be inserted, namely :—

"(d) acts in contravention of the provisions of section 23A,".

133. *Substitution of new section for section 11, Madras Act II of 1905.*—For section 11 of the Madras Act, the following section shall be substituted, namely :—

"11. *Term of office of Chairman and other Trustees.*—(1) The Chairman shall hold office during the pleasure of the Central Government.

(2) Subject to the provisions of sections 10, 11A, 13, 13A and 20, an elected Trustee or a Trustee appointed by name shall hold office for a term of two years commencing on the first day of April next following the election or appointment, as the case may be, of such Trustee.

(3) Subject to the provisions of section 11A, a Trustee appointed by the Central Government by virtue of an office shall, until the Central Government by notification in the Official Gazette otherwise direct, continue to be a Trustee so long as he continues to hold that office.

(4) The term of office of every Trustee appointed by name or elected as such and holding office on the first day of April next following the commencement of the Port Trusts and Ports (Amendment) Act, 1951, shall be deemed to have expired on that day."

134. *Insertion of new sections 11A and 11B in Madras Act II of 1905.*—After section 11 of the Madras Act, the following sections shall be inserted, namely : —

"11A. *Resignation of Trustees.*—An elected Trustee or a Trustee appointed by the Central Government, whether by name or by virtue of an office, may at any time resign his office by giving notice in writing to the Chairman who shall forward the same to the Central Government, and on such resignation being accepted by that Government, he shall cease to be a Trustee, and his office shall thereupon become vacant.

11B. *Filling of vacancies in the office of Trustees.*—(1) Every vacancy in the office of an elected Trustee or of a Trustee appointed by name caused by the expiration of the term of office of such Trustee shall be filled by election or appointment, as the case may be, within one month immediately preceding the date of expiration of such term.

(2) Every vacancy in the office of a Trustee appointed by the Central Government by virtue of an office caused by the expiration of the term of

office of such Trustee or otherwise shall be filled by appointment within one month of the occurrence of such vacancy."

135. *Amendment of section 12, Madras Act II of 1905.*—In section 12 of the Madras Act, for the words "a Trustee" the words "an elected Trustee or a Trustee appointed by name" shall be substituted.

136. *Substitution of new sections for section 13, Madras Act II of 1905.*—For section 13 of the Madras Act, the following sections shall be substituted, namely :—

"13. *Filling of casual vacancies.*—Any casual vacancy in the office of an elected Trustee or of a Trustee appointed by name caused by the death or resignation of such Trustee or by virtue of the provisions of sub-section (2) of section 10, shall be filled within one month by election or appointment, as the case may be, in the manner hereinbefore provided :

Provided that the Trustee so elected or appointed shall retain his office so long only as the vacating Trustee would have retained the same if such vacancy had not occurred.

13A. *Saving provision for appointment and election of Trustees after the prescribed period.*—(1) Nothing in the foregoing provisions shall prevent a person being appointed by the Central Government to fill any vacancy in the office of a Trustee appointed by the Central Government either by name or by virtue of an office after the expiration of the period specified therefor in section 11B or section 13, as the case may be, if for any reason it has not been possible for the Central Government to make the appointment within the said period.

(2) If the Central Government is satisfied that an electing body has failed to elect a Trustee within the period specified therefor in section 11B or section 13, as the case may be, for reasons beyond its control, the Central Government may, by notification in the Official Gazette, direct that the election shall be held on or before such date (after the expiration of the said period) as may be specified in the notification.

(3) Where a Trustee is appointed by name, or elected under sub-section (2) of this section or nominated under section 18 to fill any such vacancy as is referred to in section 11B after the expiration of the period specified therefor in that section, the term of office of such Trustee shall commence on the date on which his appointment, election or nomination, as the case may be, is notified in the Official Gazette and shall expire on the date on which his term of office would have expired if his appointment, election or nomination, as the case may be, had been made within the period so specified in section 11B."

137. *Substitution of new section for section 20, Madras Act II of 1905.*—For section 20 of the Madras Act, the following section shall be substituted, namely :—

"20. *Appointment of acting Trustees.*—(1) If an elected Trustee or a Trustee appointed by name departs from Madras with an intention of being absent for a longer period than three months, or if such a Trustee shall have been absent for such period, a person shall be elected or appointed, as the case may be, to act for such Trustee during his absence or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

(2) Nothing in sub-section (1) shall prevent a person being elected or appointed for a period not longer than three months in the place of an absent Trustee, on the application of the Board if the absentee be an elected Trustee, or at the discretion of the Central Government if he be a

Trustee appointed by name or by virtue of an office."

138. *Amendment of section 21, Madras Act II of 1905.*—In section 21 of the Madras Act, for the words "leave allowances or other allowances" the words "leave salary or allowances, if any," shall be substituted.

139. *Insertion of new sections 21A and 21B in Madras Act II of 1905.*—After section 21 of the Madras Act, the following sections shall be inserted, namely :—

"21A. *Gratuity, etc., for Chairman.*—The Central Government may fix the amount of gratuity or compassionate allowance, if any, which shall be paid to the Chairman on his retirement from office and may determine the conditions under which the said gratuity or compassionate allowance shall be so payable.

21B. *Permission to Chairman to join Provident Fund.*—Notwithstanding anything contained in this Act, the Central Government may permit the Chairman who, before such appointment had been an employee of the Board, to join the Provident Fund established by the Board under clause (6) of section 28 for the benefit of the employees appointed under this Act and may determine the conditions and restrictions subject to which such permission may be given."

140. *Amendment of section 22, Madras Act II of 1905.*—In section 22 of the Madras Act,—

(a) after the words "the fees" the words "if any" shall be inserted ;

(b) after the words "to the Trustees" the words "or to any class of them" shall be inserted.

141. *Amendment of section 23, Madras Act II of 1905.*—In clause (1) of section 23 of the Madras Act,—

(a) to sub-clause (g), the following shall be added, namely :—

"and the said minutes, excepting such portion thereof as the Chairman may in any particular case direct, shall also be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may from time to time be fixed by the Board," ;

(b) for sub-clause (i), the following sub-clause shall be substituted, namely : –

"(i) a summary of the minutes of every meeting of the Board shall, as soon as practicable, be published in the Official Gazette."

142. *Amendment of section 26, Madras Act II of 1905.*—In section 26 of the Madras Act,—

(a) in clause (2), for the words "officers and servants" the word "employees" shall be substituted ; and

(b) clause (3) shall be omitted.

143. *Substitution of "employees, etc." for "officers and servants, etc.", in sections 27, 28, 29, 55, 74, 94, 100, 105, 107 and 111.*—Save as otherwise expressly provided in this Act in sections 27, 28, 29, 55, 74, 94, 100, 105, 107 and 111, for the words "officers (other than the Chairman) and of servants" or "officers and servants" or "officers or servants" or "officers" or "servants" or "officer" or "servant" wherever they occur the words "employees (other than the Chairman)" or "employees" or "employee", as the case may be, shall be substituted.

144. *Amendment of section 28, Madras Act II of 1905.*—In section 28 of the Madras Act,—

(a) after clause (6), the following clause shall be inserted, namely :—

"(6a) *Contributions to welfare fund.*—for authorising the payment of

contributions to any welfare fund which may be established by the Board for the benefit of the employees appointed under this Act :

Provided that the maximum rate of annual contribution to any such welfare fund and the maximum amount to which any such welfare fund may be allowed to accumulate, shall be fixed from time to time by the Central Government ;" ;

(b) after clause (7), the following clause shall be inserted, namely :—

"8. *Matters relating to terms and conditions of service not covered by other clauses.*—for regulating the recruitment, promotion, conduct, discipline, punishment and any other matter relating to the terms and conditions of service applicable to the employees of the Board or allotment of premises to them or their rights and their privileges, not covered by any of the foregoing clauses." ;

(c) for the word and figures "section 94" the words, brackets, figures and letters "sub-section (5b) of section 36 of the Indian Ports Act, 1908 (XV of 1908)" shall be substituted ;

(d) for the proviso, the following proviso shall be substituted, namely :—

"Provided that the regulations framed under this section shall not take effect unless and until they have been approved by the Central Government."

145. *Amendment of section 28A, Madras Act II of 1905.*—In section 28A of the Madras Act,—

(a) the words, brackets and figures "clauses (5) to (7) of" shall be omitted ;

(b) for the word and figures "section 94" the words, brackets, figures and letter "sub-section (5b) of section 36 of the Indian Ports Act, 1908 (XV of 1908)" shall be substituted.

146. *Substitution of new sections for section 29, Madras Act II of 1905.*—For section 29 of the Madras Act the following sections shall be substituted, namely :—

"29. *Appointments, etc., by whom to be made* —(1) Subject to the provisions of the Schedule, for the time being in force sanctioned by the Board under section 27 and of the regulations and rules made by the Board under sections 28 and 92 and also to the provisions of section 30, the power of appointing, promoting, granting leave to, suspending, fining, reducing or dismissing, or of disposing of any other question relating to the services of, the employees of the Board including the power of dispensing with the services of any such employee otherwise than by reason of the misconduct of such employee shall be exercised, in the case of employees whose maximum monthly salary exclusive of allowances is less than one thousand rupees, by the Chairman and in every other case, by the Board.

(2) The Chairman may upon such terms as he may think fit and subject to the provisions referred to in sub-section (1) and to the Chairman's powers of revision and control, delegate to the head of any department for the time being all or any of his powers under the said sub-section in respect of the employees of that department whose monthly maximum salary exclusive of allowances does not exceed three hundred and fifty rupees.

(3) Notwithstanding anything contained in sub-section (1), the power to make appointment to posts of heads of departments shall be exercisable only by the Central Government after consultation with the Chairman.

(4) The Central Government may by order specify each of the posts the incumbent of which shall, for the purposes of this section, be regarded as the head of the department.

29A. *Disposal of fines realised under section 29.*—Notwithstanding anything contained in section 74, all fines realised under section 29 shall be credited to any such welfare fund as may be established by the Board for the benefit of the employees appointed under this Act."

147. *Substitution of new section for section 30, Madras Act II of 1905.*—For section 30 of the Madras Act, the following section shall be substituted, namely :—

"30. *Sanction of Central Government when necessary.*—(1) Every order made by the Board under section 27 or section 29, save where such order has been made in accordance with the regulations, for the time being in force, framed under section 28, shall, so far as the same relates to any employee of the Board whose maximum monthly salary exclusive of allowances is not less than one thousand rupees, be subject to the sanction of the Central Government.

(2) For the purposes of sub-section (1), any person who may, from time to time, be employed as Consulting Engineer to the Board otherwise than on the basis of payment of monthly salary shall be deemed to be an employee whose maximum monthly salary exclusive of allowances is not less than one thousand rupees."

148. *Amendment of section 32, Madras Act II of 1905* —In the second proviso to section 32 of the Madras Act, for the words "ten years" the words "thirty years" shall be substituted.

149. *Amendment of section 38, Madras Act II of 1905.*—In section 38 of the Madras Act, after the words "restoration, completion, construction" the words "repair" shall be inserted

150. *Insertion of new section 38A in Madras Act II of 1905.*—After section 38 of the Madras Act, the following section shall be inserted, namely :—

"38A. *Powers etc., of the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908* —All the powers, authorities and restrictions contained in this Act in respect of the works by this Act authorised shall apply to the works which may be executed by the Board as the Conservator of the Port or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908), not being works the cost of which is chargeable to the pilotage account of the port under sub-section 5(b) of that section, and also to the sanction of such works, the estimates therefor and the expenditure thereunder "

151. *Amendment of section 40, Madras Act II of 1905.*—In sub-section (2) of section 40 of the Madras Act, after the words "such loss" the words "or damage" shall be inserted.

152. *Amendment of section 42, Madras Act II of 1905* —In clause (e) of section 42 of the Madras Act, the following shall be added at the end, namely :—

"excepting the services in respect of vessels for which fees are chargeable under the Indian Ports Act, 1908 (XV of 1908)."

153. *Insertion of new section 43B in Madras Act II of 1905.*—After section 43A of the Madras Act, the following section shall be inserted, namely :—

"43B. *Power to levy concessional rate of charges on coastal cargo.*—

In framing scales under any of the foregoing provisions of this Chapter, the Board may prescribe a lower rate of charges in respect of cargo carried in a vessel from one Indian port to another.

Explanation.—For the purposes of this section, the expression 'Indian port' includes the ports of Diu, Daman, Marmagao, Panjim, Mahe, Karaikal and Pondicherry."

154. *Amendment of section 44, Madras Act II of 1905.*—In section 44 of the Madras Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1a) *Power of Central Government to cancel scale of tolls, etc.*—It shall be competent for the Central Government at any time to cancel any of the scales framed under the foregoing provisions of this Chapter, or to call upon the Board to modify any portion of such scales, and thereupon the Board shall modify such scales accordingly.";

(b) in sub-section (2),—

(i) for the words "with the previous sanction of the Central Government" the words "for reasons to be recorded in writing" shall be substituted ;

(ii) after the words "correct mistakes" the word "and" shall be inserted ; and

(iii) the words "and write off irrecoverable sums up to a limit of Rs. 200 in each case" shall be omitted.

155. *Substitution of new section for section 49, Madras Act II of 1905.*—For section 49 of the Madras Act, the following section shall be substituted, namely :—

"49. *Moneys received by the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.*—All moneys received by the Board as the Conservator of the Port, or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908), excluding all fees and all fines and penalties creditable to the pilotage account of the Port, under sub-section (5a) of that section, shall be deemed to be a portion of the income of the Board and shall be included in its annual estimates and accounts."

156. *Insertion of new section 58A in Madras Act II of 1905.*—After section 58 of the Madras Act, the following section shall be inserted, namely :—

"58A. *Disposal of goods not removed from the premises of the Board within time limited.*—(1) Notwithstanding anything contained in this Act, where any goods placed in the custody of the Board upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Board within one month from the date on which such goods were placed in the custody of the Board, the Board may, if the address of such owner or person is known, cause a notice to be served upon him by letter delivered at such address or sent by post, or if the notice cannot be so served upon him or his address is not known, cause a notice to be published in the Official Gazette and also in at least one of the principal local daily newspapers, requiring him to remove the goods forthwith and stating that in default of compliance therewith the goods are liable to be sold by public auction :

Provided that where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be so served or published under this sub-section unless two months have

expired from the date on which the goods were placed in the custody of the Board.

(2) If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Board may at any time after the expiration of one month from the date on which the notice was so served or published, sell the goods by public auction after giving notice of the sale in the manner specified in sections 57 and 58.

(3) The Central Government may, by notification in the Official Gazette, exempt any goods or class of goods from the operation of this section."

157. *Amendment of section 59, Madras Act II of 1905.*—In sub-section (1) of section 59 of the Madras Act, for the words 'The proceeds of every such sale" the words, figures and letter "The proceeds of every sale under section 56 or section 58A" shall be substituted.

158. *Substitution of new sections for sections 64A and 64B, Madras Act II of 1905.*— For sections 64A and 64B of the Madras Act, the following sections shall be substituted, namely :—

"64A. *Right of survivors of joint or several payees of securities.*—(1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 1872),—

(a) when any Port Trust security is payable to two or more persons jointly and either or any of them dies, the Port Trust security shall be payable to the survivor or survivors of those persons, and

(b) when any such security is payable to two or more persons severally and either or any of them dies, the security shall be payable to the survivor or survivors of those persons or to the representatives of the deceased or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after the commencement of this Act.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.

(4) For the purposes of this section, a body incorporated under the Indian Companies Act 1913 (VII of 1913), or the Co-operative Societies Act, 1912 (II of 1912), or any other enactment for the time being in force, whether within or without India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.

64B. *Power of one or two or more joint holders to grant receipts.*—Where two or more persons are joint holders of any Port Trust security, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such security, unless notice to the contrary has been given to the Board by any other of the holders.

64C. *Indorsements to be made on security itself.*—Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881 (XXVI of 1881), no indorsement of a Port Trust security which is transferable by indorsement shall be valid unless made by the signature of the holder inscribed on the back of the security itself.

64D. *Indorser of security not liable for amount thereof.*—Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), a person shall not by reason only of his having indorsed any Port Trust security be liable to pay any money due either as principal or as interest thereunder.

64E. *Impression of signature on securities.*—(1) The signature of

the person authorised to sign Port Trust securities on behalf of the Board may be printed, engraved or lithographed, or impressed by such other mechanical process as the Board may direct on such securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised.

64F. *Issue of duplicate securities.*—(1) When any Port Trust security is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Board, and on producing proof to its satisfaction of the loss, theft or destruction and of the justice of the claim and on payment of the prescribed fee, if any, obtain from the Board an order for—

(a) the payment of interest in respect of the security said to be lost, stolen or destroyed pending the issue of a duplicate security ; and

(b) the issue of a duplicate security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss, theft or destruction.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the prescribed manner.

(4) If at any time before the Board becomes discharged under the provisions of this Act from liability in respect of any security the whole of which is alleged to have been lost, stolen or destroyed, such security is found, any order passed in respect thereof under this section shall be cancelled.

64G. *Issue of converted, etc., securities.*—(1) The Board may, subject to such conditions as may be prescribed, on the application of a person claiming to be entitled to a Port Trust security or securities, on being satisfied of the justice of the claim and on delivery of the security or securities receipted in the prescribed manner and on payment of the prescribed fee, if any, convert, consolidate or sub-divide the security or securities, and issue to the applicant a new security or securities accordingly.

(2) The conversion, consolidation or sub-division referred to in sub-section (1) may be into a security or securities of the same or different classes or of the same or different loans.

64H. *Discharge in certain cases* — Notwithstanding anything in section 10 of the Indian Limitation Act, 1908 (IX of 1908)—

(i) on payment of the amount due on a Port Trust security on or after the date on which payment becomes due, or

(ii) when a duplicate security has been issued under section 64F, or

(iii) when a new security or securities has or have been issued upon conversion, consolidation or sub-division under section 64G,

the Board shall be discharged from all liability in respect of the security or securities so paid or in place of which a duplicate or new security or securities has or have been issued—

(a) in the case of payment,—after the lapse of six years from the date on which payment was due ;

(b) in the case of a duplicate security,—after the lapse of six years from the date of the publication under sub-section (3) of section 64F of the list in which the security is first mentioned or from the date of the last payment of interest on the original security, whichever date is later ;

(c) in the case of a new security issued upon conversion, consolida-

tion or sub-division—after the lapse of six years from the date of the issue thereof.

64I. *Power to make rules.*—(1) The Board may from time to time make rules to provide for all or any of the following matters, namely :

(a) the person, if any, authorised to sign, the mode of affixing the corporate seal and of attestation of documents relating to Port Trust securities ;

(b) the manner in which payment of interest in respect of Port Trust securities is to be made and acknowledged :

(c) the circumstances and the manner in which Port Trust securities may be renewed ;

(d) the circumstances in which such securities must be renewed before further payment of interest thereon can be claimed ;

(e) the form in which securities delivered for renewal, conversion, consolidation or sub-division are to be receipted ;

(f) the proof which is to be produced by persons applying for duplicate securities ;

(g) the form and manner of publication of the notification mentioned in sub-section (2) of section 64F and the manner of publication of the list mentioned in sub-section (3) of that section ;

(h) the nature and amount of indemnity to be given by a person applying for the payment of interest on Port Trust securities alleged to have been wholly or partly lost, stolen or destroyed, or for the issue of duplicate Port Trust securities ;

(i) the conditions subject to which Port Trust securities may be converted, consolidated or sub-divided ;

(j) the amount for which stock certificates may be issued ;

(k) generally, all matters connected with the grant of the duplicate, renewed, converted. consolidated and sub divided securities ;

(l) the fees to be paid in respect of the issue of duplicate securities and of the renewal, conversion, consolidation and sub division of Port Trust securities ;

(m) the fees to be levied in respect of the issue of stock certificates.

(2) The power to make rules under sub section (1) is subject to the following conditions :—

(a) A draft of the rules shall be published in two consecutive issues of the Official Gazette.

(b) The same shall have no effect until approved by the Central Government and until such approval has also been published in the Official Gazette and no rule shall be approved by the Central Government until fourteen days have expired from the date on which the same had been first published in the Official Gazette of the State.

(c) The Central Government may at any time by notification cancel any rule published under the provisions of this section.

64J. *Limitation of claims against sinking fund trustees in respect of securities issued by the Board.*—Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 1908), no claim shall lie against the trustees of the sinking fund in respect of any security issued by the Board after the lapse of six years from the earliest date on which demand could have been made for the payment of the amount due on such security."

159. *Amendment of section 68, Madras Act II of 1905.*—In section 68 of the Madras Act, for the words "may apply any sums" the words "may, with the previous sanction of the Central Government, apply any sums

out of moneys which may come into its hands under the provisions of this Act and" shall be substituted.

160. *Amendment of section 70, Madras Act II of 1905* —In sub-section (1) of section 70 of the Madras Act, for the words "in securities of the Central Government or in Port Trust securities" the words "in public securities or in such other securities as the Central Government may approve in this behalf" shall be substituted.

161. *Amendment of section 71, Madras Act II of 1905.*—Section 71 of the Madras Act shall be renumbered as sub-section (1) thereof, and –

(a) in the said sub-section—

(i) for the words "current value" the words "current market value" shall be substituted ;

(ii) the words "unless the Central Government specifically sanctions a gradual readjustment" shall be added at the end ; and

(b) after the said sub-section as so renumbered, the following sub-section shall be inserted, namely : -

"(2) If the cash and the current market value of the securities at the credit of the sinking fund are in excess of the amount which should be at its credit, the Accountant General shall certify the amount of this excess and the Board may with the previous sanction of the Central Government,—

(a) withdraw the whole or any part of the certified excess, in which case the Trustees in whose names the sinking fund is invested under sub-section (1) of section 70 shall forthwith transfer securities of the requisite current market value, or cash and securities of the requisite current market value, to the Board ; or

(b) reduce or discontinue the half-yearly contributions to the sinking fund required under section 69 ; or

(c) adopt a combination of these measures."

162. *Insertion of new section 72A in Madras Act II of 1905.*—After section 72 of the Madras Act, the following section shall be inserted, namely :—

"72A. *Power of Board to borrow by means of temporary overdraft or otherwise.*—Notwithstanding anything contained in this Act, the Board may borrow moneys by means of temporary overdraft or otherwise by pledging the securities held by the Board in its reserve funds or on the security, of the fixed deposits of the Board in its banks :

Provided that such temporary overdrafts or other loans—

(a) shall not at any time have a longer currency than six months ; and

(b) shall not be taken without the previous sanction of the Central Government, if at any time in any year the amount of such overdrafts or other loans exceeds ten lakhs of rupees :

Provided further that all moneys so borrowed by temporary overdraft or otherwise shall be expended for the purposes of this Act."

163. *Amendment of section 74, Madras Act II of 1905.*—In section 74 of the Madras Act,—

(a) for the word and figures "section 94" the words, brackets, figures and letter "sub-section (5b) of section 36 of the Indian Ports Act, 1908 (XV of 1908)" shall be substituted ;

(b) after clause (6), the following clauses shall be inserted, namely :—

"(6a) the payment of such sums as may from time to time be agreed upon by the Central Government and the State Government or by the

Board and the State Government as a reasonable contribution on account of expences in connection with the watch and ward functions of the harbour police and the police employed for guarding the docks, warehouses and other property of the Board ;

(6b) any other charge which may on the application of the Board be specially sanctioned by the Central Government or for which the Board may be legally liable ;".

164. *Amendment of section 74A, Madras Act II of 1905.*—In sub-section (2) of section 74A of the Madras Act, for the words "in the securities of the Central Government or in Port Trust Securities" the words "in public securities or in such other securities as the Central Government may approve in this behalf" shall be substituted

165. *Insertion of new sections 74B and 74C in Madras Act II of 1905.*—After section 74A of the Madras Act, the following sections shall be inserted, namely :—

"74B. *Board may invest in its own securities.*—(1) For the purposes of any investment which the Board is authorised to make by this Act, it shall be lawful for the Board to reserve and set apart any securities to be issued by it on account of any loan to which the consent of the Central Government has been given, provided that the intention to so reserve and set apart such securities shall have been notified as a condition to the issue of the loan

(2) The issue of any such securities direct to, and in the name of "The Trustees of the Port of Madras" shall not operate to extinguish or cancel such securities, but every security so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(3) The purchase by the Board or the transfer, assignment or indorsement to the Trustees of the sinking fund or the Board, of any security issued by the Board, shall not operate to extinguish or cancel any such security, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or indorsed to, any other person.

(4) All securities of the Board heretofore purchased by, issued, transferred or assigned to, or indorsed into the names of the Trustees of the Port of Madras or any person on their behalf, and all securities heretofore issued by way of renewal, consolidation or sub-division of any such securities, shall be and shall be deemed to have always been valid and negotiable in all respects and in the same manner and to the same extent as if held by, or issued, transferred, assigned or indorsed to any other person.

74C. *Power to transfer moneys from the general account to the pilotage account and* vice versa —The Board may, with the previous sanction of the Central Government, apply any sum out of the moneys credited to the general account of the Port towards meeting deficits, if any, in the pilotage account of the Port maintained under section 36 of the Indian Ports Act, 1908 (XV of 1908) or transfer the whole or any part of any surplus funds in such pilotage account to the general account of the Port"

166. *Amendment of section 75, Madras Act II of 1905.*—Section 75 of the Madras Act shall be renumbered as sub-section (1) thereof and to the said section as so renumbered, the following sub-section shall be added, namely :—

"(2) Nothing in sub-section (1) shall require further sanction of the Central Government in the case where the actual expenditure incurred as a charge to capital exceeds the expenditure sanctioned in this behalf by

the Central Government unless the excess is more than ten per cent. of the expenditure so sanctioned."

167. *Amendment of section 76, Madras Act II of 1905.*—In section 76 of the Madras Act,—

(a) for the words "two thousand rupees" the words "ten thousand rupees" shall be substituted ;

(b) for the words "fifty thousand rupees" the words "two lakhs of rupees" shall be substituted ;

(c) the following proviso shall be added at the end, namely :—

"Provided that where the estimated cost of any new work or appliance has been sanctioned by the Central Government, no expenditure which exceeds by more than ten per cent. the estimated cost so sanctioned shall be incurred by the Board without the previous sanction of the Central Government."

168. *Insertion of new section 76A in Madras Act II of 1905.*—After section 76 of the Madras Act, the following section shall be inserted, namely :—

"76A *Powers of Chairman as to execution of works.*—Notwithstanding anything contained in section 76, the Chairman may direct the execution of any work the cost of which does not exceed five thousand rupees, and may enter into contracts for the execution of such works, and in every such case the Chairman shall make a report to the Board at its next meeting of any such directions given or contracts entered into by him."

169. *Repeal of sections 77 and 78, Madras Act II of 1905.*—Sections 77 and 78 of Madras Act are hereby repealed.

170. *Amendment of section 79, Madras Act II of 1905.*—In section 79 of the Madras Act, for the words "by such auditors as shall, from time to time, be appointed by the Central Government" the words "by the Comptroller and Auditor-General of India at such times and in such manner as may be determined by him." shall be substituted.

171. *Insertion of new section 80A in Madras Act II of 1905.*—After section 80 of the Madras Act, the following section shall be inserted, namely :—

"80A. *Board to remedy defects and irregularities pointed out in the audit report and Central Government to pass final orders.*—(1) The Board shall forthwith take into consideration any defects or irregularities that may be pointed out by the auditors in their report and shall pass such orders thereon as the Board may think fit and shall also send a report of the action taken by the Board to the Central Government.

(2) If there is a difference of opinion between the Board and the auditors on any point included in the audit report and the Board feel unable to accept the recommendation, if any, made by the auditors on such point, the matter shall forthwith be referred to the Central Government who shall pass final orders thereon and the Board shall be bound to give effect to such orders."

172. *Amendment of section 81, Madras Act II of 1905.*—In section 81 of the Madras Act, for the words "The Auditors" the words "The Comptroller and Auditor-General of India" shall be substituted.

173. *Amendment of section 82, Madras Act II of 1905.*—In section 82 of the Madras Act, for the words "in such form" the words "in such detail and form" shall be substituted.

174. *Insertion of new sections 86A, 86B and 86C in Madras Act II of 1905.*—After section 86 of the Madras Act, the following sections shall be

inserted, namely :—

"86A. *Re-appropriation of amounts in estimate.*— Subject to any directions which the Central Government may give in this behalf, any sum of money, or part thereof, of which the expenditure has been authorised in an estimate for the time being in force, finally approved by the Central Government and which has not been so spent, may at any time be re-appropriated by the Board to meet any excess in any other expenditure authorised in the said estimate :

Provided that no such re-appropriation shall be made from one major head of expenditure to another such head without the previous sanction of the Central Government.

86B. *Submission of accounts to the Central Government.*—(1) The Board shall annually, or oftener if directed by the Central Government so to do, submit statements of its receipts and disbursements to the Central Government in such form and at such time as that Government may direct.

(2) A copy of all such statements shall be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may from time to time be fixed by the Board.

86C. *No expenditure above five thousand rupees to be incurred unless sanctioned in estimate.*—(1) Subject to the provisions of section 86A, no sum exceeding five thousand rupees shall, save in cases of pressing emergency, be expended by, or on behalf of, the Board unless such sum is included in some estimate at the time in force which has been finally approved by the Central Government.

(2) If any sum exceeding five thousand rupees in amount is, so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Central Government together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure."

175. *Amendment of section 87, Madras Act II of 1905.*—In the proviso to section 87 of the Madras Act, for the words "fifty thousand rupees" the words "two lakhs of rupees" shall be substituted.

176. *Substitution of new section for section 88, Madras Act II of 1905.*—For section 88 of the Madras Act, the following section shall be substituted, namely :—

"88. *Power of Chairman as to contracts.*—The Chairman may, on behalf of the Board, enter into any contract or agreement whereof the value or amount shall not exceed five thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the Board shall be in writing, and shall be signed by the Chairman and by two other Trustees and shall be sealed with the common seal of the Board. No contract or agreement not executed as is in this section provided shall be binding on the Board."

177. *Amendment of section 89, Madras Act II of 1905.*—To section 89 of the Madras Act, the following proviso shall be added, namely :—

"Provided that no settlement shall be made under this section without the previous sanction of the Central Government if such settlement involves the payment by the Board of a sum exceeding twenty-five thousand rupees."

178. *Insertion of a new section 89A in Madras Act II of 1950.*—In Chapter IX, after section 89 of the Madras Act, the following section shall,

be inserted, namely :—

"89A. *Writing off of losses.*—(1) Subject to such conditions as may be specified by the Central Government where the Board is of opinion that any amount due to, or any loss, whether of money or of property, incurred by the Board is irrecoverable, the Board may, with the previous approval of the Central Government, sanction the writing off finally of the said amount or loss :

Provided that no such approval of the Central Government shall be necessary where such irrecoverable amount or loss does not exceed, in any individual case, two thousand and five hundred rupees or, in the aggregate in any one year, fifty thousand rupees.

(2) Notwithstanding anything contained in sub-section (1), where the Chairman is of opinion that any amount due to, or any loss, whether of money or of property incurred by, the Board is irrecoverable, the Chairman may sanction the writing off finally of such amount or loss, provided that such amount or loss does not exceed, in any individual case, five hundred rupees or, in the aggregate in any one year, ten thousand rupees ; and in every such case the Chairman shall make a report to the Board giving reasons for such sanction."

179. *Amendment of section 90, Madras Act II of 1905.*—In section 90 of the Madras Act, the words "and all fees for pilotage shall be paid to the the Board" shall be omitted.

180. *Repeal of sections 93 and 94, Madras Act II of 1905.*—Sections 93 and 94 of the Madras Act are hereby repealed.

181. *Substitution of new section for section 96, Madras Act II of 1905.*—For section 96 of the Madras Act, the following section shall be substituted, namely :—

"96. *Approval and publication of bye-laws.*—(1) No bye-law or alteration or revocation of a bye-law shall have effect until the same has been approved by the Central Government.

(2) No bye-law or alteration or revocation of a bye-law shall be approved by the Central Government until the same has been published for two weeks successively in the Official Gazette and until fourteen days have expired from the date on which the same had been first published in that Gazette "

182. *Substitution of new section for section 101, Madras Act II of 1905.*—For section 101 of the Madras Act, the following section shall be substituted, namely :—

"101. *Persons employed under this Act to be public servants for certain purposes.*—Every person employed under this Act shall, for the purposes of sections 161 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code (Act XLV of 1860) and for the purposes of the Prevention of Corruption Act, 1947 (II of 1947), be deemed to be a public servant within the meaning of section 21 of the said Code."

183. *Amendment of section 105, Madras Act II of 1905.*—In section 105 of the Madras Act, for the words "and the said sum shall, on the application of the Board," the following shall be substituted, namely :—

"or where any employee of the Board has, subject to such conditions as may be laid down by the Board, been generally or specially authorised by the Board in this behalf by such employee, and the said sum shall on application by or on behalf of the Board."

184. *Insertion of new section 109A in Madras Act II of 1905.*—After section 109 of the Madras Act, the following section shall be inserted,

namely :—

"109A. *Application of certain provisions of the Act to aircraft.*—The provisions of sections 36, 39, 42, 43, 60, 61, 62, 95, 106, 107 and 111 shall apply in relation to all aircraft making use of the Port while on water as they apply in relation to vessels."

185. *Insertion of new sections 111A and 111B in Madras Act II of 1905.*—After section 111 of the Madras Act, the following sections shall be inserted, namely :—

"111A. *Power to evict certain persons from the premises of the Board.*—(1) Notwithstanding anything contained in any other law, if the Board in exercise of the powers conferred on it by regulations made under this Act cancel the allotment of any premises made to any employee of the Board, the Board may, by notice in writing, order such allottee or any other person who may be in occupation of the whole or any part of the premises to vacate them and deliver the same to the Board or a person appointed by the Board in that behalf within such period as may be specified in the notice.

Explanation.—For the purposes of this section, "premises" means any building or part of a building and includes—

(i) the gardens, grounds and outhouses, if any, appertaining to such building or part of a building ;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ; and

(iii) any furniture, books or other things belonging to the Board and found in such building or part of a building.

(2) If any allottee or other person refuses or fails to comply with an order made under sub-section (1), any presidency-magistrate or magistrate of the first class may, on application made by or on behalf of the Board, order any police officer with proper assistance, to enter into the premises and evict any person from, and take possession of, the premises and to deliver the same to the Board or a person appointed by the Board in that behalf and the police officer may, for that purpose, use such force as may be necessary.

(3) Any such notice as is referred to in sub-section (1) may be served—

(a) by delivering or tendering it to the allottee or any other person who may be in occupation of the whole or any part of the premises,

(b) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises, or

(c) by registered post.

111B. *Annual administration report of the Port* —As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Central Government, the Board shall submit to the Central Government a detailed report of the administration of the Port during the preceding year ending on the thirty-first day of March in such form as the Central Government may direct."

186. *Amendment of section 112, Madras Act II of 1905.*—In section 112 of the Madras Act, for the words "as may be called for by the Central Government for the purposes of this Act" the words "relating to the work of the Board under this Act as may, from time to time, be called for by the Central Government" shall be substituted.

187. *Substitution of new section for section 113, Madras Act II of 1905.*—For section 113 of the Madras Act, the following section shall be

substituted, namely :—

"113. *Power to supersede the Board.*—(1) If, at any time, the Central Government is of opinion—

(a) that on account of a grave emergency, the Board are unable to perform the duties imposed on them by or under the provisions of this Act or of any other law, or

(b) that the Board have persistently made default in the performance of the duties imposed upon them by or under the provisions of this Act or of any other law and as a result of such default, the financial position of the Board or the administration of the Port has greatly deteriorated,

the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months at a time, as may be specified in the notification :

Provided that before issuing a notification under this sub-section for reasons mentioned in clause (b), the Central Government shall give a reasonable time of not less than three months to the Board to show cause why the Board should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1) superseding the Board the following consequences shall ensue :—

(a) all the Trustees shall, as from the date of supersession, vacate their offices as such Trustees ;

(b) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Board, shall until the Board are reconstituted under clause (b) or clause (c) of sub-section (3) be exercised and performed by such person or persons as the Central Government may direct ;

(c) all property vested in the Board shall, until the Board are reconstituted under clause (b) or clause (c) of sub-section (3) vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary, or

(b) reconstitute the Board by fresh appointment and fresh election, and in such case, any persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment or election, as the case may be, or

(c) re-constitute the Board by appointment only for such period as it may consider necessary and in such a case, the persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for such appointment merely because they were Trustees when the Board was superseded :

Provided that the Central Government may at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) or clause (c) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before Parliament at the earliest possible opportunity."

CHAPTER V

AMENDMENT OF ACT XV OF 1908

188. *Amendment of section 3, Act XV of 1908.*—In section 3 of the Indian Ports Act, 1908 (hereinafter in this Chapter referred to as the Ports Act),—

(a) in clause (2),—

(i) after the words "any vessel" the words "or any aircraft making use of any port" shall be inserted ;

(ii) after the words "harbour master," the words ' of the port" shall be inserted ;

(iii) the words "or the aircraft, as the case may be" shall be added at the end ;

(b) in clause (7), after the word "conveyance" the word "mainly" shall be inserted.

189. *Amendment of section 6, Act XV of 1908.*—In clause (k) of sub-section (1) of section 6 of the Ports Act, for the words "passenger vessels" the word "vessels" shall be substituted.

190. *Amendment of section 35, Act XV of 1908.*—To section 35 of the Ports Act, the following sub-section shall be added, namely :—

"(3) The Government may, in special cases, remit the whole or any portion of the fees chargeable under sub-section (1) or sub-section (2)."

191. *Amendment of section 36, Act XV of 1908.*—In section 36 of the Ports Act,—

(1) to sub-section (2), the following proviso shall be added, namely:—

"Provided that the port fund account for any port may, if so authorised under the provisions of any Act relating to such port, be merged with the general account of that port, and in such a case, the provisions of sub-section (6) shall not apply and the provisions of sub-sections (4) and (5) shall have effect as if for the words "the port fund account of the port" therein, the words "the general account of the port" had been substituted." ;

(2) for clause (a) of sub-section (4), the following clause shall be substituted namely :—

"(a) fines other than those creditable to the pilotage account of the port under sub-section (5a)" ;

(3) after sub-section (5), the following sub-sections shall be inserted, namely :—

"(5a) All fees charged for pilotage at any port subject to this Act and all fines and penalties levied under the Act or under any other Act relating to the port from pilots or other persons employed in the pilot service other than fines and penalties imposed by a court, shall be credited to a distinct account to be called the pilotage account of the port.

(5b) All sums so credited to the pilotage account may be applied, in such proportions as the Government may from time to time direct, to the following purposes, namely :—

(a) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things as the officer or body appointed under sub-section (1) may deem it necessary to purchase, maintain or supply for the efficiency of the pilot service ;

(b) the payment of the salaries, wages and allowances of pilots and other persons employed in the pilot service or in the supervision thereof ;

(c) the payment of pensions, retiring gratuities, compassionate allowances or bonuses to pilots and other persons engaged in the pilot

service, and of the contributions, if any, duly authorised to be made in their behalf to any provident fund or welfare fund ;

(d) the payment of pensions, gratuities and compassionate allowances granted by the officer or body appointed under sub-section (1) to pilots and other persons engaged in the pilot service who have been injured in the execution of their duty and to the surviving relatives of pilots and other persons so engaged who have been killed in the execution of their duty or who may die while still in the service of such officer or body ;

(e) the provision of educational, recreational and other amenities for pilots and other persons employed in the pilot service ;

(f) the payment of contributions or appropriations to any special fund or funds established under the provisions of any other Act relating to the port to which the officer or body appointed under sub-section (1) considers contributions or appropriations should be made from the pilotage account ;

(g) any other expenditure which may, with the previous sanction of the Government, be incurred in respect of the pilot service.

(5c) If the officer or body appointed under sub-section (1) at any port is also the authority responsible for maintaining the general account of the port, then notwithstanding the absence of any provision in that behalf in the Act under which such general account is maintained, such officer or body may, with the previous sanction of the Government, apply any sum out of the moneys credited to such general account towards meeting deficits, if any, in the pilotage account of the port, or transfer the whole or any part of any surplus funds, in the pilotage account to the general account of the port" ;

(4) in sub-section (6), after the words 'port fund account" the words "or of a pilotage account" shall be inserted.

192. *Insertion of new section 68C in Act XV of 1908.*—After section 68B of the Ports Act, the following section shall be inserted, namely :—

"68C. *Application of certain provisions of the Act to aircraft.*—(1) The provisions of sections 6, 13 to 16 (both inclusive), 18, 21 and 28, sub-section (2) of section 31 and sections 33, 34, 35, 39, 42 to 48 (both inclusive) and 55 shall apply in relation to all aircraft making use of any port subject to this Act, while on water as they apply in relation to vessels.

(2) No such aircraft shall enter or leave any port subject to this Act, except with the permission granted by the Conservator of the Port or by such other officer as may be authorised in this behalf by the Conservator."

CHAPTER VI

AMENDMENT OF ACT XXXIII OF 1948

193. *Substitution of new section 7, Act XXXIII of 1948.*—For section 7 of the Calcutta Port (Pilotage) Act, 1948 (hereinafter in this Chapter referred to as the Pilotage Act), the following section shall be substituted, namely :—

"7. *Pilotage fees and fines and penalties levied under the Act.*—All fees for pilotage and all fines and penalties levied under this Act from pilots or other persons employed in the pilot service, except fines and penalties imposed by a court, shall be accounted for and expended by the Commissioners in accordance with the provisions of section 36 of the Indian Ports Act, 1908 (XV of 1908)."

194. *Repeal of section 8, Act XXXIII of 1948.*—Section 8 of the Pilotage Act is hereby repealed.

195. *Amendment of section 9, Act XXXIII of 1948.*—In section 9 of the Pilotage Act,—

(a) after the words "to apply" the words "any sum out of" shall be inserted ;

(b) after the words "pilotage account" the words, figures, brackets and letters "maintained under section 36 of the Indian Ports Act, 1908 (XV of 1908)" shall be inserted ;

(c) for the words "part of the surplus funds in the pilotage account" the words "part of the surplus funds, if any, in such pilotage account" shall be substituted.

196. *Substitution of new section for section 10, Act XXXIII of 1948.*—For section 10 of the Pilotage Act, the following section shall be substituted, namely :—

"10. *Application of certain provisions of Bengal Act III of 1890.*—Sections 18, 19, 24B, 29 to 34 (both inclusive), 47 to 54 (both inclusive), 55, 57, 58 and 69 to 80A (both inclusive) of the Calcutta Port Act, 1890 (Bengal Act III of 1890) are hereby incorporated in this Act subject to the following modifications, namely :—

(a) that the references in the said sections to the Calcutta Port Act, 1890 shall be taken as references to this Act ;

(b) that in clause (b) of section 19, for the words "the tolls, dues, rates, rents and charges" the words "the pilotage fees" shall be substituted;

(c) that the proviso to sub-section (2) of section 30 shall be omitted ;

(d) that in sub-section (1) of section 34, the words "the Deputy Chairman or to" shall be omitted ;

(e) that sub-section (2) of section 34 shall be omitted."

The President's Pension Act, 1951.

The following Act of Parliament received the assent of the President on the 13th May 1951, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 17th May 1951.

Act XXX of 1951

An Act to provide for the payment of pensions to retiring Presidents.

[*13th May, 1951.*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the President's Pension Act, 1951.

2. *Pension to retiring Presidents.*—There shall be paid to every person who ceases to hold office as President, either by the expiration of his term of office or by resignation of his office, a pension of fifteen thousand rupees per annum for the remainder of his life :

Provided that, where any such person is re-elected to that office, no pension shall be payable for the period during which he again holds office as President.

3. *Pension to the last Governor-General.*—The provisions of section 2 shall apply to the person who held office as the last Governor-General of India as they shall apply to any person who ceases to hold office as President.

4. *Pensions to be charged on the Consolidated Fund of India.*—Any pension payable under this Act shall be charged on the Consolidated Fund of India.

The Hyderabad Public Companies (Limitation of Dividends) Repealing Act, 1951.

The following Act of Parliament received the assent of the President on the 13th May 1951, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 17th May 1951.

Act XXXI of 1951

An Act to repeal Public Companies (Limitation of Dividends) Regulation, 1358F of Hyderatad.

[*13th May 1951.*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Hyderabad Public Companies (Limitation of Dividends) Repealing Act, 1951.

(2) It shall be deemed to have come into force on the 1st day of April, 1950.

2. *Repeal of the Public Companies (Limitation of Dividends) Regulation of Hyderabad.* The Public Companies (Limitation of Dividends) Regulation, 1358F, made by the Military Governor of Hyderabad on the 11th day of January, 1949, is hereby repealed :

Provided that section 6 of the General Clauses Act, 1897 (X of 1897), shall apply in relation to such repeal as if the said Regulation were an enactment.

The Reserve Bank of India (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 15th May 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 17th May 1951.

Act XXXII of 1951

An Act further to amend the Reserve Bank of India Act, 1934.

[*15th May 1951.*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Reserve Bank of India (Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. *Substitution of "India" for "States" in Act II of 1934.*—In the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), unless otherwise expressly provided, for the words "the States", wherever they occur, the word "India" shall be substituted.

3. *Amendment of section 1, Act II of 1934.*—In sub-section (2) of section 1 of the principal Act, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

4. *Amendment of section 2, Act II of 1934.*—In section 2 of the principal Act—

(i) clause (bb) shall be relettered as clause (c) ;

(ii) the existing clause (c) shall be relettered as clause (f) and that clause, as so relettered, shall be inserted after clause (e) ;

(iii) clause (ee) shall be omitted ;

(iv) after clause (f), as relettered, the following clause shall be inserted, namely :—

(g) the expression "State Government" and "State Governments," unless otherwise expressly provided, do not include the Government of the State of Jammu and Kashmir.

5. *Amendment of section 7, Act II of 1934.*—In section 7 of the principal Act for sub-section (3) the following shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January 1949, namely :

"(3) Save as otherwise provided in regulations made by the Central Board, the Governor and in his absence the Deputy Governor nominated by him in this behalf, shall also have powers of general superintendence and direction of the affairs and the business of the Bank, and may exercise all powers and do all acts and things which may be exercised or done by the Bank."

6. *Amendment of section 11, Act II of 1934.*—In section 11 of the principal Act—

(a) in sub-section (1), for the words "any other Director" the words "any other Director or any member of a Local Board" shall be substituted;

(b) in sub-section (5), for the words and letters "of a Part A State or a Part C State", the words "of any State" shall be substituted.

7. *Amendment of section 17, Act II of 1934.*—In section 17 of the principal Act—

(1) in clause (1) the words and letter "Part B States" shall be omitted ;

(2) in sub-clause (a) of clause (2), after the words "scheduled bank" the words "or a State co-operative bank" shall be inserted ;

(3) in sub-clause (b) of clause (2), for the words "nine months" the words "fifteen months" shall be substituted ;

(4) in sub-clause (c) of clause (2), the words and letter "or such securities of Part B States as may be specified in this behalf by the Central Government on the recommendation of the Central Board" shall be omitted ;

(5) in clause (4) -

(a) the words and letter "Part B States" shall be omitted ;

(b) in sub-clause (d), for the words "which have been transferred" the words "such documents having been transferred" shall be substituted ;

(6) for clause (6), the following clause shall be substituted, namely:—

"(6) the issue of demand drafts, telegraphic transfers and other kinds of remittances made payable at its own offices or agencies, the purchase of telegraphic transfers, and the making, issue and circulation of bank post bills;" ;

(7) in clause (8)—

(a) the words and letter "or such Part B States" shall be omitted ;

(b) in the first proviso, for the words "authority or State", in both the places where they occur, the words "or authority" shall be substituted;

(c) the second proviso shall be omitted ;

(8) in clause (11)

(a) the words and letter "or any Part B State" shall be omitted; and

(b) after the words and figures "established under the Industrial Finance Corporation Act, 1948", the words "or the Government of any such country outside India or any such person as may be approved in this behalf by the Central Government" shall be inserted ;

(9) in clause (13), for the words "in the shares" the words "in the shares and securities" shall be substituted ;

(10) in the second proviso to clause (14), for the words "share capital" the word "capital" shall be substituted.

(11) for clause (15A) the following clause shall be substituted,

namely : –

"(15A) the performance of the function of the Bank under the International Monetary Fund and Bank Ordinance, 1945 (XLVII of 1945), the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Banking Companies Act, 1949 (X of 1949) or any other law for the time being in force;"

8. *Amendment of section 18, Act II of 1934.*—In sub-section (1) of section 18 of the principal Act, for the words "Central Board" the word "Bank" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January 1949.

9. *Amendment of section 19, Act II of 1934.* For clause (2) of section 19 of the principal Act, the following clause shall be substituted, namely : –

"(2) purchase the shares of any banking company or of any other company, or grant loans upon the security of any such shares."

10. *Amendment of section 20, Act II of 1934.*—In section 20 of the principal Act, for the words and leter "the State Governments and such Part B States as may be approved of and notified by the Central Government in the Gazette of India" the words and letter "and the Governments of Part A States" shall be substituted.

11. *Amendment of section 21, Act II of 1934.*—To section 21 of the principal Act, the following sub-section shall be added, namely :—

"(5) In this section, the expressions "State Government" and "State Governments" do not include the Government of any Part B State".

12. *Insertion of new section 21A, in Act II of 1934.*—After section 21 of the principal Act, the following section shall be inserted, namely :—

"21A. *Bank to transact Government business of Part B States on agreement*—(1) The Bank may by agreement with the Government of any Part B State undertake—

(a) all its money, remmitance, exchange and banking transactions in India, including in particular, the deposit, free of interest, of all its cash balances with the Bank ; and

(b) the management of the public debt of, and the issue of any new loans by, that State.

(2) Any agreement made under this section shall be laid, as soon as may be after it is made, before Parliament.

13. *Amendment of section 26 Act II of 1934.*—In sub-section (2) of section 26 of the principal Act, for the words "save at an office or agency of the Bank", the words "save at such office or agency of the Bank and to such extent as may be specified in the notification" shall be substituted.

14. *Amendment of section 33, Act II of 1934.*—In sub-section (3) of section 33 of the principal Act, for the words and figures "of section 18" the words, figures and brackets "of sub-section (1) of section 18" shall be substituted.

15. *Amendment of sections 36 and 37, Act II of 1934.*—In section 36 and 37 of the principal Act, for the words "sterling securities", wherever they occur, the words "foreign securities" shall be substituted.

16. *Amendment of section 42, Act II of 1934.*—In section 42 of the principal Act,—

(1) for sub-section (2), the following shall be substituted, namely :—

"(2) Every scheduled bank shall send to the bank a return signed by two responsible officers of such bank showing—

(a) the amount of its demand and time liabilities and the amount of its borrowings from banks in India,

(b) the total amount of legal tender notes and coins held by it in India,

(c) the balance held by it at the Bank in India,

(d) the balances held by it at other banks in current account and the money at call and short notice in India,

(e) the investments (at book value) in Central and State Government securities including treasury bills and treasury deposit receipts,

(f) the amount of advances in India,

(g) the inland bills purchased and discounted in India, at the close of business on each Friday, and every such return shall be sent not later than five days after the date to which it relates :

Provided that where Friday is a public holiday under the Negotiable Instruments Act, 1881 (XXVI of 1881), for one or more offices of a scheduled bank, the return shall give the preceding working day's figures in respect of such office or offices, but shall nevertheless be deemed to relate to that Friday :

Provided further that where the Bank is satisfied that the furnishing of a weekly return under this sub-section is impracticable in the case of any scheduled bank by reason of the geographical position of the bank and its branches, the Bank may allow such bank—

(i) to furnish a provisional return for the week within the period aforesaid to be followed up by a final return not later than ten days after the date to which it relates, or

(ii) to furnish in lieu of a weekly return a monthly return to be sent not later than fourteen days after the end of the month to which it relates giving the details specified in this sub-section in respect of such bank at the close of business for the month" ;

(2) in sub-section (3A), in clause (a) and in the *Explanation*, the words "managing agent" shall be omitted ;

(3) in sub-section (4), for the words "shall be liable to pay to the Central Government or to the Bank, as the case may be, or to each," the words "shall be liable to pay to the Bank" shall be substituted ;

(4) in sub-section (5), for the words, brackets and figure "by the Central Government in the case of a failure to make a return under sub-section (2) to the Central Government, or by the Bank with the previous sanction of the Central Government in other cases", the words "by the Bank" shall be substituted ;

(5) in clause (a) of sub section (6), for the words "in any State of India" and "outside the States of India", the words "in India" and "outside India" shall respectively be substituted ;

(6) after sub-section (6), as so amended, the following sub-section shall be inserted, namely :—

"(7) The Bank may, for such period and subject to such conditions as may be specified, grant to any scheduled bank such exemptions from the provisions of this section as it thinks fit with reference to all or any of its offices or with reference to the whole or any part of its assets and liabilities."

17. *Amendment of section 44, Act II of 1934.*—In section 44 of the principal Act, the words and figures "with which it has any transaction under section 17" shall be omitted.

18. *Amendment of section 51, Act II of 1934.*—In section 51 of the principal Act, for the words "Auditor-General", the words "Comptroller and Auditor-General" shall be substituted.

19. *Amendment of the Third Schedule, Act II of 1934.*—In paragraph 2 of the Third Schedule to the principal Act, for the words "the States" the words and letters "Part A States and Part C States" shall be substituted.

The Finance Commission (Miscellaneous Provisions) Act, 1951.

The following Act of Parliament received the assent of the President on the 16th May 1951, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 18th May 1951.

Act No. XXXIII of 1951.

An Act to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected, and to prescribe their powers.

[*16th May 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*— This Act may be called the Finance Commission (Miscellaneous Provisions) Act, 1951.

2. *Definition.*—In this Act, "the Commission" means the Finance Commission constituted by the President pursuant to clause (1) of article 280 of the Constitution.

3. *Qualifications for appointment as, and the manner of selection of, members of the Commission.*—The Chairman of the Commission shall be selected from among persons who have had experience in public affairs, and the four other members shall be selected from among persons who—

(a) are, or have been, or are qualified to be appointed as Judges of a High Court ; or

(b) have special knowledge of the finances and accounts of Government ; or

(c) have had wide experience in financial matters and in administration ; or

(d) have special knowledge of economics.

4. *Personal interest to disqualify members.*—Before appointing a person to be a member of the Commission, the President shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission ; and the President shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest and any person who is, or whom the President proposes to appoint to be, a member of the Commission shall, whenever required by the President so to do, furnish to him such information as the President consider necessary for the performance by him of his duties under this section.

5. *Disqualifications for being a member of the Commission.*—A person shall be disqualified for being appointed as, or for being, a member of the Commission,

(a) if he is of unsound mind ;

(b) if he is an undischarged insolvent ;

(c) if he has been convicted of an offence involving moral turpitude ;

(d) if he has such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission.

6. *Term of office of members and eligibility for reappointment.*—Every member of the Commission shall hold office for such period as may be specified in the order of the President appointing him, but shall be eligible for reappointment :

Provided that he may, by letter addressed to the President, resign his office.

7. *Conditions of service and salaries and allowances of members.*—The members of the Commission shall render whole-time or part-time service to the Commission as the President may in each case specify, and there shall be paid to the members of the Commission such fees or salaries and such allowances as the Central Government may, by rules made in this behalf, determine

8. *Procedure and powers of the Commission.*—(1) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), while trying a suit in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of witnesses ;

(b) requiring the production of any document ;

(c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission shall be deemed to be a civil court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of India.

The Assam Rifles (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 17th May 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 18th May 1951.

Act No. XXXIV of 1951.

An Act to amend the Assam Rifles Act, 1941.

[*17th May 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Assam Rifles (Amendment) Act, 1951.

2. *Amendment of section 2, Act V of 1941.*—In section 2 of the Assam Rifles Act, 1941 (hereinafter referred to as the principal Act), to clause (4) the following words shall be added at the end, namely :—

"and a non-combatant appointed as such whether before or after the commencement of the Assam Rifles (Amendment) Act, 1951 ;".

3. *Substitution of new section for section 5, Act V of 1941.*—For section 5 of the principal Act, the following section shall be substituted, namely :—

"5. *Classes and rank.*—(1) There may be all or any of the classes of riflemen specified in the table hereunder, namely :—

TABLE

Combatants	Non-combatants
1	2
(i) Subadars-Major	(i) Hospital attendants
(ii) Subadars	(ii) Cooks
(iii) Jamadars and Transport Jamadars	(iii) Water-carriers

Combatants 1	Non-combatants 2
(iv) Havildars-Major	(iv) Cart-men
(v) Havildars and Dafadars	(v) Range-warders
(vi) Nalbands	(vi) Barbers
(vii) Naiks	(vii) Washermen
(viii) Lance Naiks	(viii) Sweepers
(ix) Buglers, riflemen and mule drivers	

and such grades in each class as the Central Government may from time to time direct.

(2) The persons specified in column 1 of the table in sub-section (1) shall take rank in the order mentioned in that column."

4. *Amendment of section 8, Act V of 1941.*—At the end of section 8 of the principal Act, the following *Explanation* shall be inserted, namely:—

"*Explanation.*—For the purposes of this section, every non-combatant shall be deemed to be below the rank of a naik."

5. *Amendment of Schedule to Act V of 1941.*—In paragraph 2 of the Schedule to the principal Act, after the words and bracket "motor driver", the words "or as a hospital attendant, cook, water-carrier, cart-man, range warder, barber, washerman or sweeper" shall be inserted.

The Scheduled Areas (Assimilation of Laws) Act, 1951.

The following Act of Parliament received the assent of the President on the 23rd June, 1951, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 25th June 1951.

Act No XXXVII of 1951

An Act to assimilate certain laws in force in the scheduled areas to the laws in force in the districts of Darrang and Lakhimpur of the State of Assam.

[*23rd June, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement* – (1) This Act may be called the Scheduled Areas (Assimilation of Laws) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act,—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act ;

(b) "law" means so much of any Act, Ordinance, Regulation, rule, order or bye-law as relates to any of the matters enumerated in Lists I and III in the Seventh Schedule to the Constitution ;

(c) "scheduled areas" mean the areas specified in the Schedule.

3. *Assimilation of laws.*—(1) All laws which immediately before the appointed day extend to, or are in force in, the scheduled areas shall on that day cease to be in force in the scheduled areas except as respects things done or omitted to be done before that day, and for the removal of doubts, it is hereby declared that section 6 of the General Clauses Act, 1897 (X of 1897) shall apply in relation to such cesser as it applies in relation to the repeal of an enactment by a Central Act.

(2) All laws which immediately before the appointed day extend to, or are in force in, the Darrang district of the State of Assam shall as from that day extend to, or, as the case may be, come into force in, the areas

specified in paragraph 1 of the Schedule.

(3) All laws which immediately before the appointed day extend to, or are in force in, the Lakhimpur district of the State of Assam shall as from that day extend to, or, as the case may be, come into force in, the areas specified in paragraphs 2 and 3 of the Schedule.

4. *Trasitional provisions.*—Notwithstanding anything contained in section 3, the Central Government or the Government of the State of Assam may, by order, direct that during such period, not exceeding twelve months from the appointed day, as may be specified in the order, any law which immediately before the appointed day was in force in the scheduled areas, shall be deemed to have continued to be in force therein or any specified part thereof, and may further likewise direct that any law which would have extended to, or come into force in, the scheduled areas on the appointed day, shall not be deemed to have extended thereto or come into force therein or any specified part thereof.

5. *Savings.*—Notwithstanding anything contained in section 3, all suits, cases and other legal proceedings between the parties all of whom belong to the Scheduled Tribes specified in Item 2 of Part I—Assam, of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, or such other tribe or tribes, as may be specified in this behalf, shall be tried and continue to be tried under the Assam Frontier (Administration of Justice) Regulation, 1945 (Regulation 1 of 1945) as if this Act had not been passed.

6. *Provision for removal of difficulties.*—If any difficulty arises in relation to the transaction under section 3 from one law or group of laws to another law or group of laws, the Central Government may, by order notified in the Official Gazette, make such provision as it considers necessary for the removal of the difficulty.

THE SCHEDULE

[*See* section 2(c)]

1. So much of the area included in the Balipara Frontier Tract, as is comprised within the line drawn from the eastern boundary of the district of Kamrup at Pillar No. 98 on the Bor Nadi eastwards along the Inner Line of the Balipara Frontier Tract as defined in Assam Government Notification No. 6778-A. P., dated the 2nd November, 1934, till it reaches the boundary of the Lakhimpur district ; thence southwards along the western boundary of the Lakhimpur district to the point where it meets the boundary of the Darrang district ; thence westwards along the northern boundary of the Darrang district to a point where it meets the eastern boundary of the Kamrup district ; thence northwards along this boundary to the starting point.

2. So much of the area included in the Abor Hills and Mishmi Hills districts (Sadiya Frontier Tract) as is comprised within the line drawn from the point 498 at Dipa in a straight line to the junction of the Remi river with a nameless stream about a mile south-east of the junction of Remi and Tode Korong rivers ; thence in a straight line to point milestone No. 4 from Kobo on the Kobo-Pasighat road ; thence in a straight line to the junction of Sisseri and Gango rivers ; thence along the left bank of the Gango river to its junction with the Dibang rivers ; thence in a straight line to the confluence of Hazinggadi with Kundil river (about half a mile north of point 492 of the Kundil river) ; thence in a straight line to point 625 on the right bank of the Tipu-Balijan river (about four miles north of the confluence of Haru Nadi with Balijan) ; thence down the Balijan river following its right bank to its confluence with the Lohit river ; thence

across the Lohit river and down its left bank to Nao Dihing Mukh ; thence up the right bank of the Noa Dihing river to its confluence with the Dirak river; thence up the left bank of the Dirak river to where it meets the boundary between the Sadiya Frontier Tract and the Lakhimpur district ; thence westwards along the northern boundary of the Lakhimpur district to the starting point.

3. So much of the area included in the Tirap Frontier Tract as is comprised within the line drawn from the confluence of the Koria Pani and the Burhi Dihing rivers up the right bank of the Burhi Dihing river to the confluence of the Namphuk and the Namchik rivers ; thence up the left bank of the Namchik river to its confluence with the Kathang river ; thence up the Kathang Hka to its junction with the Lekha Hka ; thence up the Lakha Hka to its source and thence to point 894 ; thence in a south-westerly direction down a nameless stream that originates from point 894, to its junction with the Tirap river ; thence up the left bank of the Tirap river to a point due east of height 2438 on the Lungokan range ; thence due west to height 2438 ; thence in a north-westerly direction down the Kapang Wa stream to its junction with the Tipang river ; thence down the Tipang river to its junction with Kumkal Wa ; thence in a south-westerly direction along the ridge of Tuting Tak Kan range to the saddle between this range and Lompi Parbat range ; thence in a north-westerly direction down a nameless stream that originates from this saddle, to its junction with Likhapani or Tehi stream ; thence down the Likhapani stream to its junction with the Tirap river ; thence down the Tirap river to its junction with the Burhi Dihing river ; thence down the Burhi Dihing river to its junction with the Manmaw Jan ; thence up the Manmaw Jan and Monggang Khasi stream as far as it forms the eastern boundary of the Upper Dihing reserved forest ; thence along the western boundary of the Upper Dihing reserved forest (east block) to the point where it meets the Pengri Hka ; thence down the Pengri Hka to the Burhi Dihing river and up the Burhi Dihing to the starting point.

The Indian Boilers (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 25th June, 1951, and was published in the *Gazette of India*, Extraordinary Part II-Section 1, dated the 26th June 1951.

Act No. XXXVIII of 1951

An Act further to amend the Indian Boilers Act. 1923.

[*25th June, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Boilers (Amendment) Act, 1951.

2. *Amendment of section 3, Act V of 1923.*—For clause (b) of sub-section (1) of section 3 of the Indian Boilers Act, 1923, the following clause shall be substituted, namely :—

"(b) belonging to, or under the control of, the Army, Navy or air Force ; or".

The Marking of Heavy Packages Act, 1951.

The following Act of Parliament received the assent of the President on the 25th June 1951, and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 26th June 1951.

Act No. XXXIX of 1951

An Act to give effect to the International Convention drawn up in Geneva on the 30th day of May, 1929, for the marking of weight on heavy packages transported by sea or inland water-ways.

[*25th June 1951.*]

BE it enacted by Parliament as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Marking of Heavy Packages Act, 1951.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) "heavy package" means a package or other object weighing not less than one metric ton, which is equal to one thousand kilogrammes or 1204.6 standard pounds or 26 8 standard maunds ;

(b) "inland water-way" means any canal, river, lake or other navigable water in India.

3. *Obligation to mark weight on heavy packages.*—Every person consigning a heavy package for transport by sea or inland water-way from any place in India shall have marked thereon plainly, durably and conspicuously the gross weight of the packages.

Provided that in cases or circumstances specified by rules made under this Act where it is difficult to determine the correct weight, only the approximate weight may be so marked.

4. *Penalty.* (1) If any person contravenes the provisions of section 3, he shall be punishable with fine which may extend to five hundred rupees.

(2) If the person contravening the said provisions is a company or other body corporate, every managing director, manager or secretary thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

5. *Power to make rules.* The Central Government may, by notification in the Official Gazette, make rules—

(a) specifying the conditions as to the manner of marking of all heavy packages, the manner of packing and the type of covering to be used ;

(b) specifying the cases or circumstances in which the approximate weight of heavy packages instead of their correct weight may be marked.

The Industrial Disputes (Amendment and Temporary Provisions) Act, 1951.

The following Act of Parliamnet received the assent of the President on the 26th June, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 27th June 1951.

Act No. XL of 1951

An Act further to amend the Industrial Disputes Act, 1947, and to make certain temporary provisions relating to pay and allowances of certain workmen.

[*26th June, 1951.*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951.

2. *Interpretation.*— All words and expressions used in this Act and defined in the Industrial Disputes Act, 1947 (XIV of 1947) shall have the meanings assigned to them in that Act.

3. *Amendment of section 7, Act XIV of 1947.*—For sub-sections (2) and (3) of section 7 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), the following sub-sections shall be substituted, namely :—

"(2) A Tribunal shall consist of such number of independent members as the appropriate Government may think fit to appoint, and where the Tribunal consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) Where a Tribunal consists of one member only, that member, and where it consists of two or more members, the Chairman of the Tribunal, shall be a person who—

(a) is or has been a Judge of a High Court ; or

(b) is or has been a district judge ; or

(c) is qualified for appointment as a Judge of a High Court :

Provided that no appointment under this sub-section to a Tribunal shall be made of any person not qualified under clause (a) or clause (b) except with the approval of the High Court of the State in which the Tribunal has, or is intended to have, its usual seat.

(4) Where a Tribunal consists of two or more members, every such member (other than the Chairman) shall possess such qualifications as may be prescribed, and where an industrial dispute affecting any banking or insurance company is referred to a Tribunal, one of such members may be a person who, in the opinion of the appropriate Government, has special knowledge of banking or insurance, as the case may be.

(5) A Tribunal, where it consists of two or more members, may act notwithstanding the casual and unforeseen absence of the Chairman or any other member, and when the Chairman or other member rejoins his office after such absence, the proceedings may be continued before the Tribunal from the stage at which he so rejoins."

4. *Substitution of new section for section 8, Act XIV of 1947.*— For section 8 of the principal Act, the following section shall be substituted, namely :—

"8. *Filling of vacancies.*— (1) If for any reason a vacancy occurs in the office of the Chairman or any other member of a Board, the appropriate Government shall appoint, in accordance with the provisions of sub-section (3) of section 5, another person to fill the vacancy and the proceedings may be continued before the Board so reconstituted from the stage at which the vacancy is filled.

(2) If for any reason a vacancy occurs in the office of the Chairman or any other member of a court or Tribunal, the appropriate Government shall, in the case of a Chairman, and may, in the case of any other member, appoint another independent person, in accordance with the provisions of section 6 or section 7, as the case may be, to fill the vacancy, and the proceedings may be continued before the Court or the Tribunal so reconstituted from the stage at which the vacancy is filled."

5. *Amendment of section 9, Act XIV of 1947.* Section 9 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) Where the report of any settlement arrived at in the course of

the conciliation proceedings before a Board or the award of a Tribunal consisting of two or more members is signed by the Chairman and all the other members of the Board or the Tribunal, as the case may be, no such settlement or award shall be invalid by reason only of the casual and unforeseen absence of any of the members (including the Chairman) of the Board or the Tribunal, as the case may be, during any stage of the hearing of the proceedings."

6. *Amendment of section 13, Act XIV of 1947.*—In sub-section (5) of secton 13 of the principal Act, for the words "of the notice under section 22", the words "on which the dispute was referred to it" shall be substituted.

7. *Temporary provisions relating to scales of pay, etc., of workmen in banking companies* —(1) No employer in relation to any banking company carrying on business in any Part A State or the State of Delhi, Ajmer or Coorg or the Andaman and Nicobar Islands shall, save in accordance with the terms of any settlement arrived at, or any award made, under the Industrial Disputes Act, 1947 (XIV of 1947),—

(a) alter, to the prejudice of any workman employed in such banking company, the scale of pay or rate of allowances according to which he has been paid, or would, if he had been continuously employed during the month of March, 1951, have been paid, in respect of any monthly, weekly or other period immediately before the 1st day of April, 1951 ; or

(b) recover from any such workman any amount already paid to him whether as pay or allowances (in accordance with any scales of pay or rates of allowances which were applied to him at any time after the 1st day of February, 1950) on the ground that the workman was not legally entitled to such scales of pay or rates of allowances.

Explanation — For the purposes of this section, "allowances" mean any dearness allowance, house-rent allowance, halting allowance, washing allowance, hill allowance, fuel allowance and officiating allowance (so long as the workman holds the officiating appointment) and includes any special pay or allowance paid to a workman on the ground of special qualifications, skill or responsibility attaching to, or required in respect of, his work or office and also includes the special pay or allowance given to—

(i) graduates,
(ii) holders of banking diplomas like C. A. I. I B. and C. A. I. B.,
(iii) comptists,
(iv) stenographers,
(v) cashiers,
(vi) supervisors,
(vii) sub-accountants,
(viii) clerks-in-charge,
(ix) departmental-in-charge,
(x) headclerks, and
(xi) certain categories of subordinate staff.

(2) For the removal of doubts, it is hereby declared that notwithstanding anything contained in any law it shall be lawful to make such retrospective adjustment in relation to scales of pay and rates of allowances referred to in sub-section (1) as may be necessary in order to give effect to the terms of any settlement arrived at or award made under the Industrial Disputes Act, 1947 (XIV of 1947).

8. *Recovery of money due from an employer.*—Any money due from an employer under the provisions of section 7 may be recovered in the same manner as an arrear of land revenue or as a public demand by the appropriate Government either on its own motion or on an application made to it by the persons entitled to such money.

The Rajghat Samadhi Act, 1951.

The following Act of Parliament received the assent of the President on the 29th June, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 30th June 1951.

Act No. XLI of 1951

An Act to provide for the administration and control of the Rajghat Samadhi in Delhi.

[*29th June, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*— (1) This Act may be called the Rajghat Samadhi Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act,—

(a) "Committee" means the Rajghat Samadhi Committee constituted under this Act ;

(b) "Samadhi" means the structure built in token of reverence for Mahatma Gandhi at Rajghat on the Western bank of the Jamuna in Delhi, and includes the premises described in the Schedule with all buildings contained therein, together with all additions thereto or alterations thereof which may be made after the commencement of this Act.

3. *The Rajghat Samadhi Committee.*—(1) The administration and control of the Samadhi shall be vested in a Committee constituted in the manner hereinafter provided.

(2) The Committee shall by the name of "The Rajghat Samadhi Committee", be a body corporate and shall have prepetual succession and a common seal and shall by the said name sue and be sued through its Chairman.

4. *Composition of the Committee.*—(1) The Committee shall consist of the following members, namely :—

(a) the president of the municipal committee within the local limits of whose jurisdiction the Samadhi is situated, *ex-officio* ;

(b) three officials nominated by the Central Government ;

(c) three non-officials nominated by the Central Government ;

(d) two members of Parliament-nominated by the Speaker.

(2) The Central Government may appoint any person referred to in sub-section (1) or any other person to be the Chairman of the Committee, and if any other person is so appointed, he shall be deemed to be a member of the Committee within the meaning of sub-section (1).

(3) All persons nominated by the Central Government to be members of the Committee shall hold office during the pleasure of the Central Government.

5. *Powers and duties of the Committee.*—Subject to such rules as may be made under this Act, the powers and duties of the Committee shall be—

(a) to administer the affairs of the Samadhi and to keep the Samadhi in proper order and in a state of good repair ;

(b) to organise and regulate periodical functions at the Samadhi ;

(c) to do such other things as may be incidental or conducive to the efficient administration of the affairs of the Samadhi.

6. *Power of Central Government to make rules.*—The Central Government may, by notification in the Official Gazette, make rules to carry out the objects of this Act, and to regulate access to the Samadhi or to any portion thereof.

7. *Power of Committee to make bye-laws.*—(1) The Committee may make bye-laws consistent with this Act and the rules made thereunder for all or any of the following purposes, namely :—

(a) the manner in which meetings of the Committee shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings ;

(b) the appointment of such persons as may be necessary to assist the Committee in the efficient performace of its duties and the terms and conditions of service of such employees ;

(c) the duties and powers of the employees of the Committee ;

(d) the submission of accounts, returns and reports to the Committee by any its employees.

(2) All bye-laws made under this section shall be subject to the condition of previous publication and shall not have effect until they are approved by the Central Government.

8. *Validity of acts of Committee not to be questioned by reason of vacancy, etc.*—No act or proceeding of the Committee shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of, the Committee.

THE SCHEDULE

[*See* section 2(b)]

The Samadhi premises, admeasuring 44·35 acres, bounded

on the north by a vacant piece of land belonging to the Delhi Improvement Trust ;

on the south by Power House Road ;

on the east by the Power House ; and

on the west by Bela Road.

The Indian Merchant Shipping (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 16th July, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 17th July 1951.

Act No. XLII of 1951

An Act further to amend the Indian Merchant Shipping Act, 1923.

[*16th July, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Merchant Shipping (Amendment) Act, 1951.

2. *Insertion of new sections 26A and 26B in Act XXI of 1923.*—In the Indian Merchant Shipping Act, 1923, under the heading "*Engagement of Seamen*" and before section 27, the following sections shall be inserted, namely :—

"26A. *Medical examination of seamen.*—(1) Subject to the provisions of any rules made under sub-section (3), no person shall engage or carry to sea any seaman to work in any capacity in any ship unless the seaman is in possession of a certificate in the prescribed form granted by the prescribed authority to the effect that he is physically fit to be emp-

loyed in that capacity.

(2) If any person engages or carries to sea any seaman in contravention of sub-section (1), he shall, for each seaman in respect of whom the offence is committed, be liable to a fine which may extend to one hundred rupees.

(3) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this section, and, in particular and without prejudice to the generality of such power, any rules so made may provide for—

(a) the standard of physical fitness required of seamen, and different standards may be laid down in different cases or for different classes of seamen having regard to the age of the seamen to be examined or the nature of the duties to be performed by them;

(b) the nature of the medical examination of seamen, the authorities by which the examination shall be conducted and the fees payable therefor;

(c) the form and contents of medical certificates and the period of their validity;

(d) the re-examination by such medical authority as may be specified of persons who have been refused medical certificates of physical fitness in the first instance and the fees payable for such re-examination;

(e) the circumstances in which or the conditions subject to which any seaman or class of seamen may be exempted from the operation of sub-section (1).

26B. *Qualifications for seamen.*—(1) From such date as may be fixed in this behalf by the Central Government, by notification in the Official Gazette, no seaman shall be engaged or carried to sea to work in any capacity in any ship unless he possesses the prescribed qualifications.

(2) If any person engages or carries to sea any seaman in contravention of sub-section (1), he shall, for each seaman in respect of whom the offence is committed, be liable to a fine which may extend to one hundred rupees.

(3) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this section, and, in particular and without prejudice to the generality of such power, any rules so made may provide for—

(a) the courses of training to be pursued, or

(b) the vocational standards to be attained, or

(c) the tests to be passed,

by seamen generally or by any class of seamen in particular.

The Opium and Revenue Laws (Extension of Application) Amendment Act, 1951.

The following Act of Parliament received the assent of the President on the 24th August, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 25th August 1951.

Act No. XLIV of 1951

An Act to amend the Opium and Revenue Laws (Extension of Application) Act, 1950. [*24th August, 1951*]

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Opium and Revenue Laws (Extension of Application) Amendment Act, 1951.

2. *Amendment of section 3, Act XXXIII of 1950.*—For clause (b) of section 3 of the Opium and Revenue Laws (Extension of Application) Act, 1950, the following clauses shall be substituted and shall be deemed always to have been substituted, namely :—

"(b) in the disposal of cases transferred to the Central Commission under clause (a), it shall have and exercise the same powers as it has and exercises in the investigation of cases referred to it under the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), and shall be entitled to act for the same term as under sub-section (3) of section 4 of that Act ;

(bb) any decision given, whether before or after the commencement of this Act, by the Chief Revenue Authority of Travancore or of Travancore-Cochin in the exercise or purported exercise of any powers conferred on it by any law for the time being in force in the State shall be deemed to be a decision given by the Income-tax authority for the purposes of sub-section (2) of section 8 of the Travancore Taxation on Income (Investigation Commission) Act, 1124 (Travancore Act XIV of 1124) ;"

The Sea Customs and the Central Excises and Salt (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 27th August, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 28th August 1951.

Act No. XLV of 1951.

An Act further to amend the Sea Customs Act, 1878 and the Central Excises and Salt Act, 1944.

[*27th August, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Sea Customs and the Central Excises and Salt (Amendment) Act, 1951.

2. *Amendment of section 20, Act VIII of 1878.*—Section 20 of the Sea Customs Act, 1878 (hereinafter referred to as the principal Act) shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) The provisions of sub-section (1) shall apply in respect of all goods belonging to the Government of a Part A State or a Part B State and used for the purposes of a trade or business of any kind carried on by, or on behalf of, that Government, or of any operations connected with such trade or business as they apply in respect of goods not belonging to any Government."

3. *Amendment of section 38, Act VIII of 1878.*—After the proviso to section 38 of the principal Act, the following further proviso shall be inserted, namely :—

"Provided further that where a shipping bill is delivered in anticipation of the arrival of any vessel or before an order is given under section 61 for entry of the vessel outwards, it shall, for the purpose of this section, be deemed to have been delivered on the date on which that vessel arrives or that order is given, whichever is later."

4. *Amendment of section 39, Act VIII of 1878.*—In section 39 of the principal Act, for the words "on demand being made" the words "on a notice of demand being issued to him" shall be substituted.

5. *Amendment of section 111, Act VIII of 1878.*—In section 111 of

the principal Act, after the words "penalties, interest" the words "export duties" shall be inserted.

6. *Amendment of section 3, Act I of 1944.*—After sub-section (1) of section 3 of the Central Excises and Salt Act, 1944, the following sub-section shall be inserted, namely :—

"(1A) The provisions of sub-section (1) shall apply in respect of all excisable goods other than salt which are produced or manufactured in India by, or on behalf of the Government of a Part A State or a Part B State and used for the purposes of a trade or business of any kind carried on by, or on behalf of, that Government, or of any operations connected with such trade or business as they apply in respect of goods which are not produced or manufactured by any Government."

The Punjab State Legislature (Delegation of Powers) Act, 1951.

The following Act of Parliament received the assent of the President on the 28th August, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 29th August 1951.

Act No. XLVI of 1951

An Act to confer on the President the power of the Punjab State Legislature to make laws.

[*28th August, 1951*]

BE it enacted by Parliament as follows :—

1 *Short title.*—This Act may be called the Punjab State Legislature (Delegation of Powers) Act, 1951.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) "article" means an article of the Constitution ;

(b) "Proclamation" means the Proclamation issued on the 20th day of June, 1951, by the President under clause (1) of article 356

3 *Conferment on the President of the power of the State Legislature.*—(1) The power of the Legislature of the State of Punjab to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may from time to time, whether Parliament is or is not in session, enact as a President's Act a Bill containing such provisions as he considers necessary.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before Parliament.

(4) Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2) :

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

The Assam (Alteration of Boundaries) Act, 1951.

The following Act of Parliament received the assent of the President on the 1st September, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 3rd September 1951.

Act No. XLVII of 1951.

An Act to alter the boundaries of the State of Assam consequent on the cession of a strip of territory comprised in that State to the Government of Bhutan.

[*1st September, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Assam (Alteration of Boundaries) Act, 1951.

2. *Alteration of the boundaries of Assam.*—On and from the commencement of this Act, the territory of the State of Assam shall cease to comprise the strip of territory specified in the schedule, which shall be ceded to the Government of Bhutan, and the boundaries of the State of Assam shall be deemed to have been altered accordingly.

3. *Amendment of the First Schedule to the Constitution.*—In the first paragraph of Part A of the First Schedule to the Constitution, under the heading "TERRITORIES OF STATES", after the words "Assam Tribal Areas", the following words shall be inserted, namely :—

"but shall not include the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951."

THE SCHEDULE

(*See* section 2)

The strip of territory measuring 32·81 square miles lying to the south of Bhutan within 26° 45′ and 27° North Latitude and 91° 15′ and 91° 45′ East Longitude, demarcated on the west, north and east by boundary pillars Nos. 90, 91, 92, 93 and 94 erected in 1930-31, and on the south by boundary pillars Nos. 90, 91, 92, 93 and 94 erected in 1950.

The Employment of Children (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 1st September, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 3rd September 1951.

Act No. XLVIII of 1951.

An Act further to amend the Employment of Children Act, 1938.

[*1st September, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Employment of Children (Amendment) Act, 1951.

2. *Amendment of long title and preamble, Act XXVI of 1938.*—In the long title of, and the preamble to, the Employment of Chidren Act, 1938 (hereinafter referred to as the principal Act), for the words "the admission of children to", the words "the employment of children in" shall be substituted.

3. *Amendment of section 2, Act XXVI of 1938.*—In section 2 of the principal Act, after clause (b), the following clause shall be inserted, namely :—

'(bb) "port authority" means a body of port commissioners or other authority administering a port ;'.

4. *Amendment of section 3, Act XXVI of 1938.*—In section 3 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

"(1) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation—

(a) connected with the transport of passengers, goods or mails by railway, or

(b) connected with a port authority within the limits of any port.

(2) No child who has completed his fifteenth year but has not completed his seventeenth year shall be employed or permitted to work in any occupation referred to in sub-section (1), unless the periods of work

of such child for any day are so fixed as to allow an interval of rest for at least twelve consecutive hours which shall include at least such seven consecutive hours between 10 p. m. and 7 a. m as may be prescribed :

Provided that nothing in this sub-section shall apply to any child referred to herein while employed or permitted to work in such circumstances and in accordance with such conditions as may be prescribed in any occupation aforesaid either as an apprentice or for the purpose of receiving vocational training therein :

Provided further that the competent authority may, where it is of opinion that an emergency has arisen and the public interest so requires, by notification in the Official Gazette, declare that the provisions of this sub-section shall not be in operation for such period as may be specified in the notification."

5. *Insertion of new sections 3D and 3E in Act XXVI of 1938.*—After section 3C of the principal Act, the following sections shall be inserted, namely :—

'3D *Maintenance of register.*—There shall be maintained by every employer, in respect of children employed or permitted to work in pursuance of sub-section (2) of section 3 in any occupation referred to in sub-section (1) of that section, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such occupation, showing—

(a) the name and date of birth of every child under seventeen years of age so employed or permitted to work ;

(b) the periods of work of any such child and the intervals of rest to which he is entitled ;

(c) the nature of work of any such child ; and

(d) such other particulars as may be prescribed.

3E. *Display of notice containing abstract of sections 3 and 4.*—Every railway administration and every port authority shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the limits of a port, as the case may be, a notice in such Indian language or languages as may be prescribed and in the English language containing an abstract of sub-sections (1) and (2) of section 3 and section 4 of this Act.

Explanation.- In this section—

"railway administration" has the meaning assigned to it in the Indian Railways Act, 1890 (IX of 1890)."

6. *Substitution of new section for section 4 in Act XXVI of 1938.*—For section 4 of the principal Act, the following section shall be substituted, namely :—

"4. *Penalty.*—Whoever—

(a) employs any child or permits any child to work in contravention of the provisions of section 3 ; or

(b) fails to give notice as required by section 3B ; or

(c) fails to maintain a register as required by section 3D or makes any false entry in any such register ;

shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both."

7. *Amendment of section 7, Act XXVI of 1938.*—(1) In sub-section (2) of section 7 of the principal Act—

(i) the word "and" at the end of clause (a) shall be omitted ; and

(ii) after clause (b), the following clauses shall be inserted, namely :—

"(c) fix the seven consecutive hours between 10 p. m. and 7 a. m. for the purpose of sub-section (2) of section 3 ;

(d) specify the circumstances in which and the conditions subject to which a child may be employed or permitted to work either as an apprentice or for the purpose of receiving vocational training in any occupation referred to in sub-section (1) of section 3 ;

(e) specify the other particulars which a register maintained under section 3D should contain ;

(f) specify the Indian language or languages in which a notice referred to in section 3E shall be published ; and

(g) provide for exemption from the provisions of sub-section (2) of section 3 in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character and which interfere with the normal working of any occupation referred to in sub-section (1) of section 3."

The Government of Part C States Act, 1951.

The following Act of Parliament received the assent of the President on the 6th September, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 6th September 1951.

Act No. XLIX of 1951

An Act to provide for Legislative Assemblies, Councils of Ministers and Councils of Advisers for Part C States.

[*6th September, 1951*]

BE it enacted by Parliament as follows :—

PART I

PRELIMINARY

1. *Short title and commencement.* – (1) This Act may be called the Government of Part C States Act, 1951.

(2) This section and sections 2, 3, 4, 6, 7, 8, 17, 42, 43 and 44 and the First, Second, Third and Fifth Schedules shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the Central Government may by notification in the Official Gazette appoint, and for this purpose the Central Government may appoint different dates for different provisions of this Act and for different States :

Provided that the provisions of sections 3, 4, 6, 7, 8 and 17 shall not come into force in any of the States of Kutch, Manipur and Tripura until such date or dates as the Central Government may by notification in the Official Gazette appoint in this behalf.

2 *Interpretation*.—(1) In this Act, unless the context otherwise requires,—

(a) "article" means an article of the Constitution ;

(b) "Assembly constituency" means a constituency provided by order made under sub-section (2) of section 4 for the purpose of elections to the Legislative Assembly of a State ;

(c) "Delhi", except where it occurs in the expression "State of Delhi", means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify ;

(d) "Election Commission" means the Election Commission appointed by the President under article 324 ;

(e) "Judicial Commissioner" includes an Additional Judicial Com-

missioner ;

(f) "New Delhi" means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify ;

(g) "State" means any State specified in Part C of the First Schedule to the Constitution other than Bilaspur.

(2) For the purposes of this Act, the castes specified in the First Schedule shall be the Scheduled Castes in relation to the Part C State under which they are so specified, and the tribes specified in the Second Schedule shall be the Scheduled Tribes in relation to the Part C State under which they are so specified

(3) Any reference in this Act to the Chief Commissioner shall, in relation to a State for the time being administered by the President through a Lieutenant-Governor, be construed as a reference to the Lieutenant-Governor.

(4) Any reference in this Act to laws made by Parliament shall be construed as including a reference to Ordinances made by the President under article 123.

PART II

LEGISLATIVE ASSEMBLIES

3. *Constitution of Legislative Assemblies and their composition.*—(1) There shall be a Legislative Assembly for each State.

(2) The allocation of seats in the Legislative Assemblies of the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh, shall be as shown in the Third Schedule.

(3) In the Legislative Assembly of each State specified in the first column of the Third Schedule there shall be the number of seats specified in the second column opposite to that State which shall be filled by direct election, and of those seats—

(a) the number specified in the third column shall be the number of seats reserved for the Scheduled Castes, and

(b) the number, if any, specified in the fourth column shall be the number of seats reserved for the Scheduled Tribes.

(4) The composition of the Legislative Assembly of any State which is not specified in the first column of the Third Schedule shall be such as the President may by order specify in relation to that State.

(5) As from the date on which the Legislative Assembly of Coorg is, after having been duly constituted under the provisions of this Part, summoned to meet for its first session, the Coorg Legislative Council shall cease to function and shall be deemed to be dissolved.

4. *Delimitation of constituencies.*—(1) For the purpose of elections to the Legislative Assembly of a State, there shall be constituencies as provided by order made under sub-section (2) and no other constituencies.

(2) As soon as may be after this section comes into force in any State, the President shall by order determine—

(a) the constituencies into which such State shall be divided ;

(b) the extent of such constituencies ;

(c) the number of seats allotted to each such constituency ; and

(d) the number of seats, if any, reserved for the Scheduled Castes or for the Scheduled Tribes in each constituency.

(3) The President may, from time to time, after consulting the Election Commission, by order alter or amend any order made by him under sub-section (2).

(4) The Election Commission shall—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13 of the Representation of the People Act, 1950 (XLIII of 1950), in respect of each State other than Coorg, formulate proposals as to the delimitation of constituencies in that State under sub-section (2), and

(b) in consultation with the member of Parliament representing the State of Coorg formulate proposals as to the delimitation of constituencies in that State under sub-section (2),

and submit the proposals to the President for making the orders under the said sub-section (2).

5. *Duration of Legislative Assemblies.*—The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly :

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

6. *Electoral rolls for Assembly constituencies.*—(1) For the purpose of elections to the Legislative Assembly of a State, there shall be an electoral roll for every Assembly constituency.

(2) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III of the Representation of the People Act, 1950 (XLIII of 1950), as relate to the areas comprised within an Assembly constituency shall be deemed to be the electoral roll for that Assembly Constituency.

7. *Qualification for membership of the Legislative Assembly.*—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless he—

(a) is a citizen of India ;

(b) is not less than twenty-five years of age ; and

(c) (i) in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes of that State, is a member of any of those castes or tribes as the case may be, and is an elector for any Assembly constituency in that State ;

(ii) in the case of any other seat, is an elector for any Assembly constituency in that State.

Explanation.—In this section, the expression "elector", in relation to a constituency, means a person whose name is for the time being entered in the electoral roll of that constituency.

8. *Elections to the Legislative Assembly.*—The provisions of Part I and Parts III to XI of the Representation of the People Act, 1951 (XLIII of 1951), and of any rules and orders made thereunder for the time being in force, shall apply in relation to an election to the Legislative Assembly of a State, as they apply in relation to an election to the Legislative Assembly of a Part A State, subject to such modifications as the President may, after consultation with the Election Commission, by order direct.

9. *Sessions of the Legislative Assembly, prorogation and dissolution.*—The Chief Commissioner shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Chief Commissioner may, from time to time,—

(a) prorogue the Assembly ;

(b) dissolve the Assembly.

10. *The Speaker and Deputy Speaker of the Legislative Assembly.*— (1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of an Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office ;

(c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly :

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution :

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as may be determined by the rules of procedure of the Assembly.

(4) During the absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly of the State by law and, until provision in that behalf is so made, such salaries and allowances as the Chief Commissioner may, with the approval of the President, by order determine.

11. *The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.*—(1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of sub-section (4) of section 10 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 15, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings, but not in the case of an equality of votes.

12. *Right of Chief Commissioner to address and send messages to the Assembly.*—The Chief Commissioner may address the Assembly and may for this purpose require the attendance of members and he may also send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise, and when a message is so sent, the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

13. *Rights of the Chief Commissioner and Ministers as respects the Assembly.*—The Chief Commissioner and every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote

14. *Oath or affirmation by members.*—Every member of the Legislative Assembly of a State shall, before taking his seat, make and subscribe before the Chief Commissioner, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Fourth Schedule.

15. *Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.*—(1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly of a State shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as such

(2) The Speaker or person acting as such shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly of a State shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly of a State shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Legislative Assembly of a State shall be ten members or one-third of the total number of members of the Assembly, whichever is greater.

(5) If at any time during a meeting of the Legislative Assembly of a State there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

16. *Vacation of seats.*—(1) No person shall be a member both of Parliament and of the Legislative Assembly of a State, and if a person is chosen a member both of Parliament and of such Assembly, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly of the State.

(2) If a member of the Legislative Assembly of a State—

(a) becomes subject to any disqualification mentioned in section 17 for membership of the Assembly, or

(b) resigns his seat by writing under his hand addressed to the Speaker,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly of a State is without permission of the Assembly absent from all meet-

ings thereof, the Assembly may declare his seat vacant :

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

17. *Disqualifications for membership.*—A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of a State, if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of article 102.

18. *Penalty for sitting and voting before making oath or affirmation or when not qualified or when disqualified.*—If a person sits or votes as a member of the Legislative Assembly of a State before he has complied with the requirements of section 14, or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the State.

19. *Powers, privileges, etc., of members.*—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly of each State.

(2) No member of the Legislative Assembly of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly of a State and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of a State or any committee thereof as they apply in relation to members of that Assembly.

20. *Salaries and allowances of members.*—Members of the Legislative Assembly of a State shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislative Assembly of the State by law and, until provision in that respect is so made, such allowances as the Chief Commissioner may, with the approval of the President, by order determine.

21. *Extent of legislative power* – (1) Subject to the provisions of this Act, the Legislative Assembly of a State may make laws for the whole or any part of the State with respect to any of the matters enumerated in the State List or in the Concurrent List :

Provided that the Legislative Assembly of the State of Delhi shall not have power to make laws with respect to any of the following matters, namely :—

(a) public order ;

(b) police including railway police ;

(c) the constitution and powers of municipal corporations and other local authorities, of improvement trusts and of water supply, drainage, electricity, transport and other public utility authorities in Delhi or in New Delhi ;

(d) lands and buildings vested in or in the possession of the Union which are situated in Delhi or in New Delhi including all rights in or over such lands and buildings, the collection of rents therefrom and the transfer and alienation thereof ;

(e) offences against laws with respect to any of the matters mentioned in the foregoing clauses ;

(f) jurisdiction and powers of all courts, with respect to any of the said matters ; and

(g) fees in respect of any of the said matters other than fees taken in any court.

(2) Nothing in sub section (1) shall derogate from the power conferred on Parliament by the Constitution to make laws with respect to any matter for a State or any part thereof.

22. *Inconsistency between laws made by Parliament and laws made by the Legislative Assembly of a State.*—If any provision of a law made by the Legislative Assembly of a State is repugnant to any provision of a law made by Parliament, then the law made by Parliament, whether passed before or after the law made by the Legislative Assembly of the State, shall prevail and the law made by the Legislative Assembly of the State shall, to the extent of the repugnancy, be void.

Explanation —For the purposes of this section, the expression "law made by Parliament" shall not include any law which provides for the extension to the State of any law in force in any other part of the territory of India.

23. *Sanction of the Chief Commissioner required for certain legislative proposals.*—No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of a State without the previous sanction of the Chief Commissioner, if such Bill or amendment makes provision with respect to any of the following matters, namely :—

(a) constitution and organisation of the court of the Judicial Commissioner ;

(b) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or in the Concurrent List ;

(c) State Public Service Commission.

24. *Special provisions as to financial Bills.*—(1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly of a State except on the recommendation of the Chief Commissioner, if such Bill or amendment makes provision for any of the following matters, namely :—

(a) the imposition, abolition, remission, alteration or regulation of any tax ;

(b) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State ;

(c) the appropriation of moneys out of the Consolidated Fund of the State ;

(d) the declaring of any expenditure to be expenditure charged on the consolidated Fund of the State, or the increasing of the amount of any such expenditure ;

(e) the receipt of money on account of the Consolidated Fund of the State or the custody or issue of such money :

Provided that no recommendation shall be required under this subsection for the moving of an amendment making provision for the reduc-

tion or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State shall not be passed by the Legislative Assembly of a State unless the Chief Commissioner has recommended to that Assembly the Consideration of the Bill.

25. *Procedure as to lapsing of Bills.*—(1) A Bill pending in the Legislative Assembly of a State shall not lapse by reason of the prorogation of the Assembly.

(2) A Bill which is pending in the Legislative Assembly of a State shall lapse on a dissolution of the Assembly.

26. *Assent to Bills.*—(1) When a Bill has been passed by the Legislative Assembly of a State, it shall be presented to the Chief Commissioner and the Chief Commissioner shall reserve the Bill for the consideration of the President.

(2) When a Bill is reserved by a Chief Commissioner for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom :

Provided that the President may direct the Chief Commissioner to return the Bill to the Legislative Assembly together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration.

27. *Requirements as to sanction and recommendations to be regarded as matters of procedure only* — No Act of the Legislative Assembly of a State, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given by the President.

28. *Annual financial statement* – (1) The Chief Commissioner of each State shall in respect of every financial year cause to be laid before the Legislative Assembly of the State, with the previous approval of the President, a statement of the estimated receipts and expenditure of the State for that year, in this Part referred to as the "annual financial statement."

(2) The estimates of expenditure embodied in the annual financial statement shall show sparately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the State, and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the State,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of each State—

(a) the emoluments and allowances of the Chief Commissioner and other expenditure relating to his office as determined by the President by general or special order ;

(b) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly ;

(c) expenditure in respect of the salaries and allowances of a Judicial Commissioner;

(d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal ;

(e) any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly of the State to be so charged.

29. *Procedure in Legislative Assembly with respect to estimates.*—(1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of a State shall not be submitted to the vote of the Legislative Assembly of the State, but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Chief Commissioner.

30. *Appropriation Bills.*—(1) As soon as may be after the grants under section 29 have been made by the Assembly there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet—

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the State, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of this section.

31. *Supplementary, additional or excess grants.*—(1) The Chief Commissioner shall—

(a) if the amount authorised by any law made in accordance with the provisions of section 30 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the anuual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year.

cause to be laid before the Legislative Assembly of the State, with the previous approval of the President, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the State with such previous approval a demand for such excess, as the case may be.

(2) The provisions of sections 28, 29 and 30 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or grant.

32. *Rules of Procedure.*—(1) The Legislative Assembly of a State may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business :

Provided that the Chief Commissioner shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules—

(a) for securing the timely completion of financial business ;

(b) for regulating the procedure of and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the State.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before this section comes into force in any State shall have effect in relation to the Legislative Assembly of that State subject to such modifications and adaptations as may be made therein by the Chief Commissioner.

33. *Language to be used in the Legislative Assembly.*—(1) Notwithstanding anything Part XVII of the Constitution but subject to the provisions of article 348, business in the Legislative Assembly of a State shall be transacted in the official language or languages of the State or in Hindi or in English.

(2) Unless Parliament or the Legislative Assembly of the State by law otherwise provides, this section shall after the expiration of a period of fifteen years from the commencement of the Constitution, have effect as if the words "or in English" were omitted therefrom.

34. *Restriction on discussion in the Legislative Assembly.*—No discussion shall take place in the Legislative Assembly of a State with respect to the conduct of any Judicial Commissioner or of any judge of the Supreme Court or of a High Court in the discharge of his duties.

35. *Courts not to inquire into proceedings of the Legislative Assembly.*—(1) The validity of any proceedings in the Legislative Assembly of a State shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly of a State in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III

COUNCIL OF MINISTERS

36. *Council of Ministers.*—(1) There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the State has power to make law except in so far as he is required by any law to exercise any judicial or quasi-judicial functions :

Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter, the Chief Commissioner shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary :

Provided further that in the State of Delhi every decision taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner, and nothing in this sub-section shall be construed as preventing the Chief Commissioner in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of New Delhi as he in his discretion considers necessary.

(2) The Chief Commissioner shall, when he is present, preside at meetings of the Council of Ministers, and, when the Chief Commissioner is not present, the Chief Minister or, if he is also not present, such other Minister as may be determined by the rules made under sub-section (1) of section 38, shall preside at meetings of the Council.

(3) If any question arises as to whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Chief Commissioner thereon shall be final.

(4) If in the State of Delhi any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Chief Commissioner thereon shall be final :

Provided that in case of any difference of opinion between the Chief Commissioner and his Ministers on such question, it shall be referred for the decision of the President and his decision shall be final.

(5) The question whether any, and if so what, advice was tendered by Ministers to the Chief Commissioner shall not be inquired into in any court.

37. *Other provisions as to Ministers.*—(1) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister.

(2) The Ministers shall hold office during the pleasure of the President.

(3) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.

(4) Before a Minister enters upon his office, the Chief Commissioner shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Fourth Schedule.

(5) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly of the State shall at the expiration of that period cease to be a Minister.

(6) The salaries and allowances of Ministers shall be such as the Legislative Assembly of the State may from time to time by law determine, and, until the Legislative Assembly so determines, shall be determined by the Chief Commissioner with the approval of the President.

38. *Conduct of business.*—(1) The President shall make rules—

(a) for the allocation of business to the Ministers ; and

(b) for the more convenient transaction of business with the Ministers, including the procedure to be adopted in the case of a difference of opinion between the Chief Commissioner and the Council of Ministers or a Minister and in relation to any matter concerning New Delhi.

(2) All executive action of the Chief Commissioner, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Chief Commissioner.

(3) Orders and other instruments made and executed in the name of the Chief Commissioner shall be authenticated in such manner as may be specified in rules to be made by the Chief Commissioner, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Chief Commissioner.

PART IV

MISCELLANEOUS

39. *Consolidated Fund of the State.*—(1) As from the first day of April, 1952, in the case of any of the States of Ajmer, Bhopal, Coorg, Delhi Himachal Pradesh and Vindhya Pradesh, and as from such date as may be appointed in this behalf by the Central Government by notification in the Official Gazette in the case of any other State all revenues received in that State by the Government of India or the Chief Commissioner in relation to any matter with respect to which the Legislative Assembly of that State has power to make laws, and all grants made from the Consolidated Fund of India to that State shall form one consolidated fund to be entitled "the Consolidated Fund of the State".

(2) No moneys out of the Consolidated Fund of a State shall be appropriated except in accordance with, and for the purposes and in the manner provided in, this Act :

Provided that the balance standing at any time at the credit of the Consolidated Fund of a State shall not be less than such amount as the President may by order specify.

(3) The custody of the Consolidated Fund of a State, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Chief Commissioner with the approval of the President.

40. *Relation of Chief Commissioner and his Ministers to the President.*—Notwithstanding anything in the foregoing provisions of this Act, the Chief Commissioner and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

41. *Provision in case of failure of constitutional machinery.*—If the President, on receipt of a report from the Chief Commissioner of a State or otherwise, is satisfied that a situation has arisen in which the administration of the State cannot be carried on in accordance with the provisions of this Act, the President may, by order, suspend the operation of all or any of the foregoing provisions of this Act for such period as he thinks fit

and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the State in accordance with the provisions of article 239.

42. *Constitution of Councils of Advisers in the case of certain States.*—The President may, by notification in the Official Gazette, constitute for any of the States of Kutch, Manipur and Tripura a Council of Advisers consisting of such number of members as he may think fit for the purpose of assisting the Chief Commissioner in the discharge of such of his functions under article 239 as may be specified by the President, and the notification constituting such Council shall define the powers to be exercised and the procedure to be followed by the Council.

43. *Power of the President to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act and, in particular, in relation to the constitution of the Legislative Assembly for any State, the President may by order do anything not inconsistent with such provisions which appear to him to be necessary or expedient for the purpose of removing the difficulty.

44. *Amendment of certain enactments.*—The enactments specified in the Fifth Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE FIRST SCHEDULE

[*See* sections 1(2) and 2(2)]

SCHEDULED CASTES IN CERTAIN PART C STATES

Ajmer

1. Aheri
2. Bagri
3. Balai
4. Bambhi
5. Bansphod
6. Baori
7. Bargi
8. Bazigar
9. Bhangi
10. Bidakia
11. Chammar
12. Dabgar
13. Dhanak
14. Dhod
15. Dhobi
16. Dholi
17. Dom
18. Garoda
19. Gancha
20. Jateva
21. Kalbelia
22. Kanjar
23. Khangar
24. Khatik
25. Koli
26. Koria
27. Kuchband
28. Mahar
29. Meghwal
30. Mochi
31. Nat
32. Pasi
33. Raigar
34. Rawal
35. Sarbhangi
36. Sargara
37. Satia
38. Thori
39. Tirgar
40. Sansi

Bhopal

1. Balahi
2. Basar
3. Bedia
4. Beldar
5. Chamar
6. Chitar
7. Dhanuk
8. Dome
9. Kanjar
10. Khatik
11. Koli
12. Mehtar, Bhangi
13. Mahar
14. Mang
15. Nut
16. Silawat

Coorg

1. Adi Dravida
2. Adi Karnataka
3. Adiya
4. Balagai
5. Holeya
6. Madiga
7. Muchi
8. Mundala
9. Panchama
10. Paraya
11. Poleya
12. Samagara

Delhi

1. Adi-Dharmi
2. Agria
3. Aheria
4. Balai
5. Banjara
6. Bawaria

7. Bazigar
8. Bhangi
9. Bhil
10. Chamar
11. Chanwar Chamar
12. Chohra (Sweeper)
13. Chuhra (Balmiki)
14. Dhanak or Dhanuk
15. Dhobi
16. Dom
17. Gharrami
18. Jatya or Jatav Chamar
19. Julaha (Weaver)
20. Kabirpanthi
21. Kachbandha
22. Kanjar
23. Khatik
24. Koli
25. Lalbegi
26. Madari
27. Mallah
28. Mazhabi
29. Megwal
30. Mochi
31. Nat (Rana)
32. Pasi
33. Perna
34. Ram Dasia
35. Ravidasi or Raidasi
36. Rehgarh or Raigar
37. Sansi
38. Sapera
39. Sikligar
40. Singiwala or Kalbelia
41. Sirkiband

Himachal Pradesh

1. Ad-dharmi
2. Balmiki or Chura or Bhangi or Sweeper
3. Bangali
4. Banjara
5. Barar
6. Bawaria
7. Bazigar
8. Besi
9. Bhanjra
10. Chamar
11. Chanal
12. Dagi
13. Daole
14. Dhaki or Toori
15. Doom or Doomna
16. Kabirpanthi or Julaha or Keer
17. Koli
18. Mazhabi
19. Mochi
20. Nat
21. Od
22. Pasi
23. Phrera
24. Ramdasi or Ravidasi
25. Ramdasia
26. Rehar
27. Sansi
28. Sapela
29. Sikligar
30. Sirkiband

Vindhya Pradesh

1. Basor (Bansphor)
2. Chamar
3. Dahait
4. Dharkar
5. Dher
6. Dom
7. Domar or Doris
8. Kuchbandhia
9. Mehtar or Bhangi or Dhanuk
10. Mochi

THE SECOND SCHEDULE

[*See* sections 1(2) and 2(2)]

SCHEDULED TRIBES IN CERTAIN PART C STATES

Bhopal

1. Bhil
2. Gond
3. Karku
4. Keer
5. Mogia
6. Pardhi
7. Saharia, Socia or Sor

Coorg

1. Korama
2. Kudia
3. Kuruba
4. Maratha
5. Meda
6. Yerava

Vindhya Pradesh

1. Agariya
2. Baiga
3. Bedia
4. Bhil
5. Bhumiya
6. Biar (Biyar)
7. Gond
8. Kamar
9. Khairwar
10. Majhi
11. Mawasi
12. Panika
13. Pao
14. Sonr

THE THIRD SCHEDULE

[*See* sections 1(2) and 3(4)]

Table of seats in the Legislative Assemblies

State	Total number of seats	Seats reserved for Scheduled Castes	Seats reserved for Scheduled Tribes
1	2	3	4
Ajmer	30	6	...
Bhopal	30	5	2
Coorg	24	3	3
Delhi	48	6	...
Himachal Pradesh	36	8	
Vindhya Pradesh	60	6	6

THE FOURTH SCHEDULE

[*See* sections 14 and 37(4)]

FORMS OF OATHS OR AFFIRMATIONS

I

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE LEGISLATIVE ASSEMBLY

"I, A. B., having been elected a member of the Legislative Assembly, of do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

II

FORM OF OATH OF OFFICE FOR A MEMBER OF THE COUNCIL OF MINISTERS

"I, A.B., do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Minister for the State of....., and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or illwill."

III

FORM OF OATH OF SECRECY FOR A MEMBER OF THE COUNCIL OF MINISTERS

"I, A.B., do swear in the name of God / solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the State of.....except as may be required for the due discharge of my duties as such Minister."

THE FIFTH SCHEDULE

[*See* sections 1(2) and 44]

Enactments amended

Year	Number	Short title	Amendments
1	2	3	4
1950	XLIII	The Representation of the People	In clause (cc) of section 2, for the words, figures and letter "or group of such States referred to in section 27A" the words "specified

Year	Number	Short title	Amendments
1	2	3	4
		Act, 1950.	in the first column of the Fifth Schedule" shall be substituted. In section 27A— (i) for the first and the second provisos to sub-section (1) the following proviso shall be substituted, namely :— "Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg or to the States of Manipur and Tripura, there shall be an Electoral College for each of the said States."; (ii) in sub-sections (2), (3) and (4), the words "or group of States", whereever they occur, shall be omitted ; (iii) in sub-section (3), the words "as the case may be" shall be omitted ; (iv) for sub-section (5), the following sub-sections shall be substituted, namely :— "(5) The electoral college for each of the States of Ajmer, Bhopal, Coorg, Delhi and Vindhya Pradesh shall consist of the members of the Legislative Assembly of that State. (6) The electoral college for the group of States of Bilaspur and Himachal Pradesh shall consist of— (a) the member of the House of the People representing the State of Bilaspur ; and (b) the members of the Legislative Assembly of the State of Himachal Pradesh." In section 27B, the words "or group of States" shall be omitted. In clause (a) of section 27C, the words "or group of States" in the two places where they occur, shall be omitted. For section 27E, the following section shall be substituted, namely :— "27E. *Procedure as to orders delimiting Constituencies.*—The Election Commission shall, in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, formulate proposals as to the delimitation of constituencies in that State under section 27C and submit the proposals to the President for making the order under that section." In sub-section (1) of section 27F, the words "or group of States" in the two places where they occur, shall be omitted.

Year	Number	Short title	Amendments
1	2	3	4
			In sub-section (1) of section 27I, for the words "elected members of the Coorg Legislative Council" in the two places where they occur, the words "members of the electoral college for the State of Coorg" shall be substituted. In section 27J, the words "or the elected members of the Coorg Legislative Council" and the words "or Council, as the case may be" shall be omitted. For section 27K, the following section shall be substituted, namely :— "27K. *Electoral Colleges for certain States for which Legislative Assemblies have been constituted.*—Notwithstanding anything in the foregoing provisions of this Part, if a Legislative Assembly is constituted under the Government of Part C States Act, 1951, for any of the States specified in the first column of the Fifth Schedule, then as from the date on which the Legislative Assembly of such State is, after having been duly constituted under that Act, summoned to meet for its first session, any electoral college for the time being functioning for such State under section 27A shall be deemed to be dissolved and the electoral college for such State shall be deemed to consist of the elected members of the Legislative Assembly of that State." For the Fifth Schedule, the following Schedule shall be substituted, namely :— "The Fifth Schedule. [*See* sections 27A(2), 27B, 27C(*a*), 27E, 27F(1) and 27K.] *Numbers of members of Electoral Colleges.* Name of State (1) — Number of members (2) 1. Kutch ... ... 30 2. Manipur ... ... 30 3. Tripura ... ... 30."
1951	XLIII	The Representation of the People Act, 1951.	In clause (j) of sub-section (1) of section 2, the words "or group of such States" shall be omitted. In clause (b) of sub-section (2) of section 12, the words "and also the elected members of the

Year	Number	Short title	Amendments
1	2	3	4
			Coorg Legislative Council, if necessary" shall be omitted. In the proviso to section 13, the words "or group of such States" and "or group of States" shall be omitted. In section 39 — (i) in sub-section (1), the words "or by the elected members of the Coorg Legislative Council" shall be omitted ; (ii) in sub-section (2), the words "or the elected members of the Coorg Legislative Council" shall be omitted ; (iii) in clause (a) of the third proviso to sub-section (4), the words "or by the elected members of the Coorg Legislative Council" and the words "or to the list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted. In sub-section (3) of section 53, the words "or the elected members of the Coorg Legislative Council" in the two places where they occur, shall be omitted. In sub-section (2) of section 71, the words "including the elected members of the Coorg Legislative Council" shall be omitted. In section 147, the words "or the elected members of the Coorg Legislative Council" shall be omitted. In sub-section (2) of section 152, the words "or by the elected members of the Coorg Legislative Council" and the words "or a list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted.

The Tariff Commission Act, 1951.

The following Act of Parliament received the assent of the President on the 12th September, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 14th September 1951.

Act No. L of 1951.

An Act to provide for the establishment of a Tariff Commission and to regulate its duties and functions.

[*12th September, 1951*]

BE it enacted by Parliament as follows:—

CHAPTER

PRELIMINARY

1. *Short title and commencement.*—(*1*) This Act may be called the Tariff Commission Act, 1951.

(2) It shall come into force on such date as the Central Govern-

ment may, by notification in the Offical Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) "Commission" means the Tariff Commission established under this Act;

(b) "chairman" means the chairman of the Tariff Commission;

(c) "member" means a member of the Tariff Commission and includes the chairman of the commission;

(d) "prescribed" means prescribed by rules made under this Act ;

(e) "regulations" means the regulations made by the Commission under section 25.

CHAPTER II

ESTABLISHMENT OF THE TARIFF COMMISSION

3. *Constitution of a Tariff Commission and appointment of chairman thereof.*—For the purposes of this Act, the Central Government shall establish a Tariff Commission which shall consist of not less than three, but not exceeding five, whole-time members appointed by the Central Government, and one of them shall be nominated by the Central Government to be the chairman thereof:

Provided that the Central Government may, as often as may be necessary, appoint not more than two additional members on the Commission for such purpose and period and on such conditions as it thinks fit.

4. *Qualifications for membership of the Commission.*—The persons to be appointed as members of the Commission shall be men of ability and standing who have shown capacity in dealing with problems relating to commerce or industry or in administration or who have special knowledge in any matter as renders them suitable for appointment on the Commission.

5. *Disqualifications for membership.*—(1) No person shall be qualified for appointment as, or for continuing to be, a member of the Commission if he has directly or indirectly any such financial or commercial interest in any industry or undertaking as is likely to affect him in the discharge of his duties as a member of the Commission.

(2) The appointment as a member of the Commission of any person who is a Member of Parliament or of the Legislature of any State shall be void unless within one month of the date of his appointment he ceases to be such Member, and if any member of the Commission is elected as a Member of Parliament or of any State Legislature, he shall cease to be a member of the Commission as from the date of such election.

(3) Every member shall, whenever required by the Central Government so to do, furnish to it such information as it may require for the purpose of securing compliance with the provisions contained in subsection (1).

6. *Conditions of service of members of the Commission.*—(1) Every wholetime member of the Commission shall hold office for a period of three years from the date of his appointment:

Provided that a member relinquishing his Office on the expiry thereof shall be eligible for reappointment for a second period of three years.

(2) There shall be paid to the members of the Commission

such salaries and allowances as may be determined by the Central Government:

Provided that such salaries and allowances shall not be varied to the disadvantage of a member after his appointment.

(3) A member of the Commission ceasing to hold office as such shall not hold any appointment in any private industry or undertaking for a period of three years from so ceasing to hold office, save with the consent in writing of the Central Government.

7. *Power of Central Government to remove members from office in certain cases.*—(1) The Central Government may remove from office any member of the Commission who has been adjudged an insolvent or has been convicted of an offence involving moral turpitude and also any member who, in the opinion of the Central Government,—

(a) has become physically or mentally incapable of acting as such member, or

(b) has so abused his position as to render his continuance in office detrimental to the public interest, or

(c) has incurred the disqualification specified in sub-section (1) of section 5.

(2) The removal of any member under sub-section (1) shall be reported, as soon as may be, to Parliament.

8. *Appointment of officers and other employees of the Commission.*—Subject to such rules as may be made in this behalf, the Commission may for the purpose of enabling it to efficiency discharge its functions under this Act appoint such number of officers and other employees as it may think fit and determine their conditions of service.

9. *Sittings of the Commission.*—(1) Subject to the regulations, the Commission may hold sittings in any part of India in such place or places as it may deem most convenient for the transaction of its business or proceedings and shall keep the minutes of its proceedings in such form as it may think fit.

(2) Sittings of the Commission shall be convened by the chairman and shall be open to the public unless the Commission in any particular case decides otherwise.

(3) The chairman shall preside at all sittings of the Commission at which he is present and in his absence from any such sitting the members present thereat shall elect one of the members to preside as chairman.

10. *Vacancy not to invalidate proceedings.*—No act or proceeding of the Commission shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Commission.

CHAPTER III

FUNCTIONS OF THE COMMISSION

11. *Reference of matters relating to protection of industries generally to the Commission.*—The Central Government may refer to the Commission for inquiry and report any matter requiring in its opinion—

(a) the grant of protection (whether by the grant of subsidies or the levy of protective duties or in any other suitable form) for the encouragement of any industry in India (including any industry which has not started production but which is likely to do so if granted suitable protection);

(b) an increase or decrease in the duties of customs or other duties in relation to any industry for the protection thereof;

(c) action to be taken in relation to the dumping of goods in the

market occasioned by excessive import or otherwise ;

(d) action to be taken where an industry is taking undue advantage of the tariff protection granted to it, particularly with reference to whether the protected industry is—

(i) charging unnecessarily high prices for its goods, or

(ii) acting or omitting to act in a manner which results in high prices being charged to consumers through limitation of quantity, deterioration in quality or inflation of cost of production and the like, or

(iii) acting in restraint of trade to the detriment of the public ;

(e) further action to be taken in relation to the protection granted to an industry, with a view to its increase, decrease, modification or abolition according to the circumstances of the case.

12. *Reference to the commission of additional matters arising out of protection.*—The Central Government may also refer to the Commission for inquiry and report any matter relating to—

(a) the effect of protection on—

(i) the general level of prices in the country,

(ii) the cost of living of any specified section of the community ;

(iii) the different sectors of the country's economy ;

(b) the effect of tariff concessions under trade or commercial agreements on the development of any specified industry ;

(c) any anomalies that may result from the working of protection or revenue duties (as for example, relationship between the rates of duty on finished goods, partly finished goods and raw materials) ;

(d) the prices of particular commodities, whether protected or not.

13. *Power of Commission suo motu to make inquiries.*—The Commission may on its own motion inquire into and report to the Central Government on any of the matters referred to in clauses (b), (c), (d) and (e) of Section 11, or in clauses (a), (b) and (c) of section 12.

14. *Principles to be taken into account in making any inquiry under section 11(1)(a).*—(1) In making a report in respect of any matter referred to it under clause (a) of section 11, the Commission shall among other matters have due regard to—

(a) the cost of production or manufacture in the principal growing, producing or manufacturing regions of India of the commodity produced by the industry claiming protection and the cost which should be taken to be representative of the industry concerned ;

(b) the approximate cost of production or manufacture in the principal growing, producing or manufacturing centres of foreign countries of the commodity which competes with the commodity produced by the industry claiming protection if the determination of such cost is necessary for the purpose of any case ;

(c) the approximate cost of import of any such competing commodity as is specified in clause (b) ;

(d) the price which may be deemed to be the representative fair selling price for growers, producers or manufacturers in India in respect of the industry claiming protection ;

(e) the quantities of the commodity required for consumption and the quantities thereof produced in or imported into India ;

(f) the effect of protection, if granted to an industry, on other industries, including cottage and other small scale industries.

(2) On the basis of its findings on the matters referred to in sub-section (1), the Commission shall assess, for the purpose of its report,—

(a) the relative advantages enjoyed by the industry ;

(b) the nature and extent of foreign competition ;

(c) the possibility of the industry develping sufficiently within a reasonable time to be able to carry on successfully without protection ;

(d) the likely effect of a protective tariff or other form of protection on the interests of the consumer or of industries using the commodity in question, as the case may be;

(e) the desirability or otherwise of protecting the industry in the public interest.

(3) In recommending the grant of protection to any industry, the Commission may specify the conditions which shall be fulfilled before and after the grant of protection, with particular reference to the following points, namely :—

(a) the scale of output;

(b) the quality for its products;

(c) the price charged for its products;

(b) the technological improvements required by the industry;

(e) the need for research in the process of manufacture;

(f) the training of officers, technicians and other persons employed in the industry;

(g) the use in the industry of indigenous products, whether raw or manufactured;

(h) the time within which an industry, in respect of which protection has been given in advance of production, should start production; and

(i) any other matter in respect of which the Commission considers it necessary to specify conditions;

15 *Duties of the Commission.*—It shall be the duty of the Commission, at such intervals as may be prescribed,—

(a) to investigate into the manner in which protection in relation to any industry has been working, with particular reference to;

(i) the cost of production of the protected commodity;

(ii) the scale of output of the protected industry;

(iii) the quality of the protected commodity;

(iv) the prospects of future expansion of the protected industry;

(v) the relative competitive position of the industry and the factors entering into it; and

(v) any other factor having a bearing on the usefulness of the industry to the country's economy;

(b) to investigate into any special conditions that may have been imposed on a protected industry, with particular reference to—

(i) the extent to which and the manner in which the obligations have been discharged.

(ii) the further steps that would be necessary to implement them fully,

(iii) the difficulties, if any, in the way of the full discharge of such obligations,

and to make a report thereon to the Central Government.

16. *Action on Commission's report.*—(1) Upon receipt of a report made to it by the Commission the Central Government may take such action as it considers fit in respect of any of the matters dealt with in the report.

(2) A copy of every final report made to the Central Government, together with a report of the action taken thereon by the Central Govern-

ment under sub-section (1), shall be laid on the table of Parliament within three months of the submission of the report to the Central Government, if Parliament is then sitting, or, if Parliament is not then sitting within seven days of its re-assembly:

Provided that when the report cannot be so laid, a statement explaining the reasons therefor shall be laid on the table of Parliament.

CHAPTER IV

MISCELLANEOUS

17. *Reports and statements.*—(1) At the end of every financial year or such earlier period as may be prescribed, the Commission shall submit a report to the Central Government containing a detailed account of its activities during the year.

(2) The Central Government may also call for such reports, returns or statements from the Commission from time to time as it considers necessary.

18. *Appointment of assessors to help Commission in the discharge of its functions.*—For the purpose of any inquiry under this Act, the Central Government may, either on its own motion and in consultation with the Commission or at the request of the Commission, appoint one or more persons possessing special knowledge of any matter relevant to the inquiry to assist the Commission.

19. *Members of Commission to be public servants* —All members and officers of the Commission shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

20. *Powers of the Commission.*—(1) For the purpose of conducting any inquiry under this Act, the Commission shall have all the powers of a civil court while trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record from any office;

(e) issuing commissions for the examination of witnesses.

(2) The Commission shall have power to require any person to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of any inquiry.

(3) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

21. *Statements made by persons to the Commission.*—No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceedings except a prosecution for giving false evidence by such statement:

Provided that the statement—

(a) is made in reply to a question which he is required by the Commission to answer, and

(b) is relevant to the subject matter of the inquiry.

22. *Restriction on disclosure of information.*—(1) No information relating to any industry being information which has been obtained by or on behalf of the Commission for the purpose of its functions under this Act shall, without the previous consent in writing of the owner for the time being of that industry, be disclosed otherwise than in compliance with or for the purposes of this Act.

(2) Nothing in the preceding sub-section shall apply to any disclosure of information made for the purpose of any legal proceeding pursuant to this Act or of any criminal proceeding which may be taken, whether pursuant to this Act or otherwise, or for the purposes of any report relating to any such proceeding.

(3) If any person discloses any information in contravention of this section, he shall be punishable on conviction with fine, which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both

23. *Protection of action taken in good faith.*– No suit, prosecution or other legal proceeding shall lie against any member, officer or servant of the Commission for anything which is in good faith done or intended to be done under this Act.

24. *Power to make rules.* (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(a) the salaries and allowances payable to members, officers and other employees of the Commission and their conditions of service ;

(b) the procedure to be followed before any member can be removed from office under section 7 ;

(c) the intervals within which reports under section 15 shall be made by the Commission;

(d) the form in which and the period within which reports under section 17 shall be submitted to the Central Government ;

(e) the fees or allowances that may be paid to persons appointed under section 18 to assist the Commission.

25. *Power to make regulations.*—Subject to the provisions contained in this Act and in any rules made thereunder, the Commission may, with the previous consent of the Central Government, make regulations for the purpose of enabling it to discharge its functions under this Act, and, in particular, such regulations may provide for—

(a) the procedure and conduct of business of the Commission ;

(b) the terms and conditions of service of officers and other employees of the Commission ;

(c) the delegation to one or more members of the Commission of such functions of the Commission as the Commission may specify.

26. *Construction of references to Tariff Board in other laws.*—References in the Indian Tariff Act, 1934 (XXXII of 1934), or in any other law for the time being in force to the Tariff Board as set up under any Resolution of the Government of India shall be construed as references to the Tariff Commission established under this Act.

The Railway Companies (Emergency Provisions) Act, 1951.

The following Act of Parliament received the assent of the President on the 14th September, 1951 and was published in the *Gazette of India,*

Extraordinary, Part II-Section 1, dated the 15th September 1951.

Act No. LI of 1951.

An Act to make provision for the proper management and administration of railway companies in certain special cases.

[*14th September 1951*]

BE it enacted by Parliament as follows :—

1. *Short title, extent and application.*—(1) This Act may be called the Railway Companies (Emergency Provisions) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It applies to every railway company in respect of which a notified order has been issued under section 3.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Companies Act" means the Indian Companies Act, 1913 (VII of 1913) ;

(b) "directors" means the directors appointed under section 3 ;

(c) "notified order" means an order notified in the Official Gazette ;

(d) "prescribed" means prescribed by rules made under this Act ;

(e) "railway company" means any company registered under the Companies Act or any law repealed thereby for the purpose of making and working or making or working a railway, whether alone or in conjunction with other purposes.

3. *Power of Central Government to apply Act to any railway company and to appoint directors thereof.*—(1) Where the Central Government is of opinion that a situation has arisen in the affairs of a railway company which —

(a) has prejudicially affected the convenience of persons using the railway administerred by the railway company, or

(b) has caused serious dislocation in any trade or industry using the railway, or

(c) has caused serious unemployment amongst a section of the community,

or when, in the opinion of the Central Government, it is necessary in the national interest

the Central Government may, by notified order, apply the provisions of this Act to the railway company and appoint as many persons as it thinks fit to be directors of the railway company for the purpose of taking over its management and administration.

(2) The power to appoint directors under this section includes the power to appoint any individual, firm or company to be the managing agent of the railway company on such terms and conditions as to the Central Government may seem fit.

4. *Effect of notified order appointing directors or managing agents.*—On the issue of a notified order under section 3,—

(a) all persons holding office as directors of the railway company immediately before the issue of the notified order shall be deemed to have vacated their offices as such ;

(b) any contract of management between the railway company and any managing agent thereof holding office as such immediately before the issue of the notified order shall be deemed to have terminated ;

(c) the managing agent, if any, appointed under this Act shall be deemed to have been duly appointed in pursuance of the Companies Act and the memorandum and articles of association of the railway company,

and the provisions of the Companies Act and of the memorandum and articles shall, subject to the other provisions contained in this Act, apply accordingly, but no such managing agent shall be removed from office except with the previous consent of the Central Government ;

(d) the directors shall take such steps as may be necessary to take into their custody or under their control all the property, effects and actionable claims to which the railway company is, or appears to be, entitled, and all the property and effects of the railway company shall be deemed to be in the custody of the directors as from the date of the notified order ;

(e) the directors shall be for all purposes the directors of the railway company duly constituted under the Companies Act, and shall alone be entitled to exercise all the powers of the directors of the railway company, whether such powers are derived from the Companies Act or from the memorandum or articles of association of the railway company or from any other source.

5. *Powers and duties of directors.*—(1) Subject to the control of the Central Government, the directors shall take such steps as may be necessary for the purpose of efficiently managing the business of the railway company and, in particular, the directors shall have power, notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the railway company,—

(a) to choose one of their number to be the chairman, and to delegate to him or to any one or more of the directors all or any of their powers ;

(b) with the previous approval of the Central Government and subject to such conditions as that Government may think fit to impose, to raise funds in such manner and offer such security therefor as they think fit ;

(c) to carry out such repairs as may be necessary in respect of any machinery, rolling stock, buildings, works or other property in their custody ;

(d) to do all acts necessary for making, maintaining, altering or repairing and using the railway of the railway company ;

(e) to employ such persons as may be necessary for enabling them to efficiently discharge their duties, and define the conditions of service of such employees.

(2) The directors may, with the previous sanction of the Central Government, cancel or vary, either unconditionally or subject to such conditions as they think fit to impose, any contract or agreement entered into between the railway company and any other person at any time before the issue of the notified order under section 3, if such contract or agreement had been entered into in bad faith and is detrimental to the interests of the railway company.

6. *Statement of affairs to be made to directors.*—(1) On the issue of a notified order under section 3, there shall be made out and submitted to the directors a statement as to the affairs of the railway company, verified by affidavit and containing the following particulars, namely :—

(a) the assets of the railway company, stating separately the cash balance in hand and at the bank, if any ;

(b) the debts and liabilities ;

(c) the names, residences and occupations of the creditors, stating separately the amount of secured debts and unsecured debts and, in the case of secured debts, the particulars of the securities, their value and the dates when they were given ;

(d) the debts due to the railway company and the names, residences and occupations of the persons from whom they are due and the amount likely to be realised therefrom ;

(e) such other particulars as may be prescribed.

(2) The statement shall be submitted by one or more of the persons who was or were holding office as a director or as directors of the railway company immediately before the issue of the notified order under section 3 or by the secretary, manager or other chief officer of the railway company who was holding office as such before the issue of the notified order as the directors may require in each case, and the statement shall be submitted within such time as may be so required.

(3) If any person, without any reasonable excuse, knowingly and wilfully makes default in complying with the requirements of this section, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

7. *Statements by beneficial owners of shares of railway company.*—Any person who has any interest in any share of the railway company which stands in the name of another person in the register of shareholders of the railway company shall, within such period as may be specified by the Central Government by notified order, make a declaration in such form as may be prescribed (which shall be countersigned by the person in whose name the share is registered) to the railway company declaring his interest in the share, and notwithstanding anything contained in any other law or in any contract to the contrary, a person who fails to make a declaration as aforesaid in respect of any share shall be deemed to have no right or title whatsoever in or to that share :

Provided that nothing in this section shall affect the right of any person who has an interest in any such share to establish in a court his right thereto if the person in whose name the share is registered refuses to sign that declaration as required by this section.

8. *Power of directors to institute proceedings against past directors, etc., for damages.*—(1) The directors may, if they are satisfied that it is necessary in the interests of the railway company or in the public interest so to do, institute in the name of the railway company such proceedings as they think fit for the recovery of damages for any fraud, misfeasance or other misconduct in connection with the management of the affairs of the railway company committed by any person before the issue of the notified order under section 3 or for the recovery of any property of the railway company which has been misapplied or wrongfully retained by any person.

(2) No director shall be personally liable for any costs or expenses incurred in connection with any proceedings instituted by virtue of this section.

9. *Penalties.*—If any person wilfully destroys or fails to deliver to the directors when required any books of accounts, registers or any other documents in his custody relating to the business of the railway company or retains any property of the railway company, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

10. *Filling up of vacancies among directors.*—(1) Casual vacancies occurring in the body of directors, whether caused by death, resignation or

otherwise, shall be filled by nomination by the Central Government.

(2) No Act of the directors shall be called in question on the ground merely of the existence of any vacancy among the directors or any defect in the appointment of any of them.

11. *No right to compensation for termination of contract of managing agent or any other contract.*—(1) Notwithstanding anything contained in the Companies Act or in any other law for the time being in force, no managing agent shall be entitled to any compensation for the premature termination under this Act of any contract of management entered into by him with the railway company, and no person shall be entitled to compensation in respect of the cancellation or variation under this Act of any other contract or agreement.

(2) Nothing contained in sub-section (1) shall affect the right of any such managing agent or person to recover from the railway company moneys recoverable otherwise than by way of such compensation.

12. *Cancellation of appointment of directors.*—(1) If at any time it appears to the Central Government that the purpose of the notified order appointing the directors has been fulfilled or that for any other reason it is unnecessary that the notified order should remain in force, the Central Government may, by notified order, cancel the appointment of directors made under this Act.

(2) On the cancellation of any such appointment as is referred to in sub-section (1), the Central Government may—

(a) direct that all the property, effects and actionable claims of the railway company shall revest in the persons in whom they were vested before the issue of the notified order under section 3 ; or

(b) reconstitute by fresh appointment a new body of persons to take charge of the management and administration of the whole affairs of the railway company, whether as directors or managers or in any other capacity :

Provided that no such direction or fresh appointment shall be made except in pursuance of a resolution passed by the shareholders of the railway company at a meeting called for the purpose by the directors appointed under section 3.

(3) The Central Government may, at any time before the issue of the notified order under sub-section (1), take such action as may be necessary under clause (b) of sub-section (2) for the purpose of making any fresh appointments.

13. *Application of the Companies Act.*—(1) Notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the railway company, but subject to the other provisions contained in this Act,—

(a) it shall not be lawful for the shareholders of the railway company or any other person to nominate or appoint any person to be a director of the railway company ;

(b) no resolution passed at any meeting of the shareholders of the railway company shall be given effect to unless approved by the Central Government ;

(c) no proceeding for the winding-up of the railway company or for the appointment of a receiver in respect thereof shall lie in any court, unless by or with the sanction of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions contained in this Act and subject to such exceptions,

restrictions and limitations as the Central Government may by notified order specify, the Companies Act shall continue to apply to the railway company in the same manner as it applied thereto before the issue of the notified order under section 3.

14. *Effect of Act on other laws.*—The provisions of this Act and of any notified order made thereunder shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in the memorandum or articles of association of the railway company or in any other instrument having effect by virtue of any law other than this Act, but save as aforesaid the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being applicable to the railway company.

15. *Directors to be public servants.*—Every director appointed under section 3 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

16. *Delegation of powers.*—The Central Government may, by notified order, direct that all or any of the powers exercisable by it under this Act, except the powers given to it under section 3 to apply the provisions of this Act to any railway company or the powers given to it under section 12 or section 18, may be exercised by any State Government, and where any powers are so delegated, they shall be exercised subject to such directions as the Central Government may issue from time to time.

17. *Protection of action taken under Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any director in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any State Government or any director for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

18. *Power of Central Government to acquire railway of railway company.*—(1) Where under any instrument, having effect by virtue of any law other than this Act or by virtue of an agreement arrived at between the parties, provision is made for the purchase by a person or local authority or the State Government of a railway which is the property of a railway company on payment of the value thereof calculated in the manner and subject to the conditions specified in the instrument, the Central Government shall also have the same right to purchase the railway on the same terms and subject to the same conditions as the person, local authority or the State Government has under the instrument.

(2) If in respect of any railway the Central Government exercises its right of purchase under this section, any person, local authority or State Government, in whom or in which a similar right is vested under the instrument, shall be deemed to have become disentitled to exercise the same.

19. *Power to make rules.*—(1) The Central Government may by notified order, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, any rules made under sub-section (1) may provide for—

(a) the manner in which or the conditions subject to which the directors or managing agents of a railway company may exercise their powers under this Act ;

(b) the additional particulars which a statement under section 6 should contain ;

(c) the form in which a declaration under section 7 may be made ;

(d) the appointment of a Railway Local Advisory Committee ;

(e) the manner in which books of account shall be maintained by the directors and audited ;

(f) the submission of specified or periodical returns and reports by the directors to any specified authority in connection with the affairs of the railway company ;

(g) the conduct of business of the directors appointed by notified order and for the recruitment and employment of officers and staff.

20. *Repeal of Ordinance II of 1951.*—The Railway Companies (Emergency Provisions) Ordinance, 1951 (II of 1951) is hereby repealed :

Provided that the repeal shall not affect—

(a) the previous operation of the said Ordinance, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Ordinance, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, or punishment may be imposed as if this Act had not been passed :

Provided further that, subject to the preceding proviso, anything done or any action taken (including any notified order issued, appointment made or direction given under the said Ordinance) shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

The Indian Companies (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 14th September 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 15th September 1951.

Act No. LII of 1951.

An Act further to amend the Indian Companies Act, 1913.

[*14th September 1951.*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Companies (Amendment) Act, 1951.

2 *Insertion of new section 86J in Act VII of 1913.*—After section 86I of the Indian Companies Act, 1913 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"86J. *Restrictions on appointment, reappointment and number of directors, their remuneration, etc.*—(1) Notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of, or any agreement with any company,—

(a) any amendment in the articles or any variation in the agreement—

(i) which relates to the appointment of a managing director or the appointment or election of a director not liable to retire by rotation ; or

(ii) which purports to increase or has the effect of increasing, whether directly or indirectly, the remuneration of a managing director or any other director, or

(b) any increase in the number of directors provided for in the articles, except where the increase is within the maximum limits permissible under the articles as in force on the 21st day of July, 1951, or

(c) the appointment of a managing director for the first time after the 21st day of of July, 1951, or the reappointment after the said date of a managing director holding office as such on that date or thereafter, if the terms of such reappointment purport to increase or have the effect of increasing, whether directly or indirectly, the remuneration that the managing director was receiving immediately before such reappointment,

shall be void unless approved by the Central Government.

(2) Where a complaint is made to the Central Government by the managing agent, managing director or any other director of a company that as a result of a change in the ownership of the shares held in the company a change in the board of directors is likely to take place which, if allowed, would affect prejudicially the affairs of the company, the Central Government may, if, after such inquiry as it thinks fit to make it is satisfied that it is just and proper so to do, by order direct that no resolution passed or action taken to affect a change in the board of directors after the date of the complaint shall have effect unless confirmed by the Central Government, and any such order shall have effect notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of the company.

(3) Nothing contained in this section shall apply to a private company unless it is a subsidiary company of a public company."

3. *Insertion of new section 87AA in Act VII of 1913.*—After section 87A of the principal Act, the following section shall be inserted, namely :—

"87AA. *Restrictions on extension of term of office of managing agents.*—In the case of a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with, the company which purports to extend, or has the effect of extending, the term of office of a managing agent holding office as such on the 21st day of July, 1951, shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void unless approved by the Central Government :

Provided that nothing contained in this section shall apply to a private company unless it is a subsidiary company of a public company.

4. *Amendment of section 87B. Act VII of 1913.*—After the proviso to clause (c) of section 87B of the principal Act, the following further proviso shall be inserted, namely :—

"Provided further that in the case of a public company managed by a managing agent, a transfer of his office by the managing agent shall be void unless the approval of the Central Government is also obtained."

5. *Insertion of new section 87BB in Act VII of 1913.*—After section 87B of the principal Act, the following section shall be inserted, namely:—

"87BB. *Restrictions on change in the constitution of a managing agent.*—(1) Notwithstanding anything contained in any other provision of this Act, in the case of a public company managed by a managing agent which is a firm or a company, no change in the constitution of the managing agent shall have effect unless approved by the Central Government, and every such firm or company shall cease to be entitled to act as such managing agent from the date of such change until the approval of the Central Government is obtained.

Explanation I.—Subject to the exceptions contained in *Explanation II*, a change in the constitution of a managing agent takes place in any of the following circumstances, namely :—

(a) where the managing agent is a firm, by a change among the part-

ners of the firm, whether caused by the retirement or replacement of any of the partners or by the introduction of a new partner as the case may be,

(b) where the managing agent is a company, by a change among the board of directors, or managers thereof, whether caused by the retirement or replacement of any director or manager or by the introduction of a new director or manager, as the case may be, or by a change in the registered ownership of shares in the company,

(c) where the managing agent is a private company, by the conversion thereof into a public company.

Explanation II.—No change in the constitution of a managing agent shall be deemed to have taken place in any of the following circumstances, namely :—

(a) where the managing agent is a firm, by a change among the partners of the firm caused by the death or retirement by efflux of time of a partner,

(b) where the managing agent is a company by a change among the board of directors, or managers caused by the death or retirement by efflux of time of any of them or a change caused by the death of any shareholder of the managing agency company.

(2) Notwithstanding anything contained in sub-section (1), where the change in the constitution of the managing agent, which is a public company the shares whereof are for the time being dealt in or quoted on the principal stock exchanges of India, is due to a change in the registered ownership of the shares held therein, nothing contained in that sub-section shall apply to the managing agent unless the Central Government, by notification in the Official Gazette, otherwise directs, and any such notification may provide that with effect from such date as may be specified therein every such managing agent shall cease to be entitled to act as such until the approval of the Central Government is obtained to the change :

Provided that no such notification shall be issued unless the Central Government is of opinion that the change is of such a nature that it has affected or is likely to affect prejudicially the affairs of the company which is being managed by the managing agent. "

6. *Insertion of new section 87CC in Act VII of 1913.*—After section 87C of the principal Act, the following section shall be inserted, namely :—

"87CC. *Restrictions on amendment of articles or agreement relating to appointment or remuneration of managing agents, etc.*— (1) Notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of, or agreement with, any company,—

(a) the appointment of a managing agent for the company for the first time after the 21st day of July 1951, and

(b) in the case of a company managed by a managing agent,—

(i) any amendment in the articles of, or any variation in any agreement with, the company which relates to the appointment of the managing agent or which purports to increase, or has the effect of increasing, whether directly or indirectly, the remuneration of the managing agent, managing director or any other director, or

(ii) the reappointment after the 21st day of July, 1951, of a managing agent holding office as such on that date or the appointment of a new managing agent in place of the managing agent holding office as such on that date, or thereafter,

shall be void unless approved by the Central Government,

(2) Nothing contained in this section shall apply to a private company unless it is a subsidiary company of a public company."

7. *Insertion of new sections 153C and 153D in Act VII of 1913.*—In Part IV of the principal Act, before section 154, the following heading and sections shall be inserted, namely :—

"*Alternative remedy to winding up in cases of mismanagement or oppression.*

153C. *Power of court to act when company acts in a prejudicial manner or oppresses any part of its members.*—(1) Without prejudice to any other action that may be taken, whether in pursuance of this Act or any other law for the time being in force, any member of a company who complains that the affairs of the company are being conducted—

(a) in a manner prejudicial to the interests of the company, or

(b) in a manner oppressive to some part of the members (including himself),

may make an application to the court for an order under this section.

(2) An application under sub-section (1) may also be made by the Central Government if it is satisfied that the affairs of the company are being conducted as aforesaid.

(3) No application under sub-section (1) shall be made by any member, unless—

(a) in the case of a company having a share capital, the member complaining—

(i) has obtained the consent in writing of not less than one hundred in number of the members of the company or not less than one-tenth in number of the members, whichever is less, or

(ii) holds not less than one-tenth of the issued share capital of the company upon which all calls and other sums due have been paid ; and

(b) in the case of a company not having a share capital, the member complaining has obtained the consent in writing of not less than one-fifth in number of the members, and where there are several persons having the same interest in any such application and the condition specified in clause (a) or clause (b) of this sub-section is satisfied with reference to one or more of such persons, any one or more of them may, with the permission of the court, make the application on behalf of, or for the benefit of, all persons so interested, and the provisions of rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908) shall apply to any such application as it applies to any suit within the meaning of that rule.

(4) If on any such application the court is of opinion—

(a) that the company's affairs are being conducted as aforesaid, and

(b) that to wind up the company would unfairly and materially prejudice the interests of the company or any part of its members, but otherwise the facts would justify the making of a winding up order on the ground that it is just and equitable that the company should be wound up,

the court may, with a view to bringing to an end the matters complained of, make such order in relation thereto as it thinks fit.

(5) Without prejudice to the generality of the powers vested in a

court under sub-section (4), any order made under that sub-section may provide for—

(a) the regulation of the conduct of the company's affairs in future;

(b) the purchase of the shares or interests of any members of the company by other members thereof or by the company;

(c) in the case of a purchase of shares or interests by the company being a company having a share capital, for the reduction accordingly of the company's capital or otherwise;

(d) the termination of any agreement, howsoever arrived at, between the company and its manager, managing agent, managing directors or any of its other directors;

(e) the termination or revision of any agreement entered into between the company and any person other than any of the persons referred to in clause (d), provided that no such agreement shall be terminated or revised except after due notice to the party concerned and, in the case of the revision of any such agreement, after obtaining the consent of the party concerned thereto;

(f) the setting aside of any transfer, delivery of goods, payment, execution or other act relating to property made or done by or against the company within three months before the date of the application under sub section (1), which would, if made or done by or against an individual, be deemed in his insolvency to be a fraudulent preference.

(6) Where an order under this section makes any alteration in, or addition to, the memorandum or articles of any company, then notwithstanding anything contained in any other provision of this Act, but subject to the provisions of the order, the company concerned shall not have power without the leave of the court to make any further alteration in, or addition to, the memorandum or articles inconsistent with the provisions of the order, but subject to the foregoing provisions of this sub-section the alterations or additions made by the order shall have the same effect as if duly made by a resolution of the company, and the provisions of this Act shall apply to the memorandum or articles as so altered or added to accordingly.

(7) A certified copy of every order under this section altering or adding to, or giving leave to alter or add to, the memorandum or articles of any company shall, within fifteen days after the making thereof, be delivered by the company to the registrar for registration, and if a company makes default in complying with the provisions of this sub-section, the company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees.

(8) It shall be lawful for the court upon the application of any petitioner or of any respondent to a petition under this section and upon such terms as to the court appears just and equitable, to make any such interim order as it thinks fit for regulating the conduct of the affairs of the company pending the making of a final order in relation to the application.

(9) Where any manager, managing agent, managing director or any other director or any other person who has not been impleaded as a respondent to any application under this section applies to be made a party thereto, the court shall, if it is satisfied that his presence before the court is necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the

application direct that the name of any such person be added to the application.

(10) In any case in which the court makes an order terminating any agreement between the company and its manager, managing agent or managing director or any of its other directors, as the case may be, the court may, if it appears to it that the manager, managing agent, managing director or other director, as the case may be, has misapplied or retained or become liable or accountable for any money or property of the company or has been guilty of any misfeasance or breach of trust in relation to the company, compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the court thinks just, or to contribute such sums to the assets of the company by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the court thinks just, and the provisions of sections 235 and 236 of this Act shall apply as they apply to a company in the course of being wound up.

Explanation.—For the purposes of this section, any material change after the 21st day of July, 1951, in the control of a company, or in the case of a company having a managing agent in the composition of the managing agent which is a firm or in the control of the managing agent which is a company, may be deemed by the court to be a fact which would justify the making of a winding up order on the ground that it would be just and equitable that the company should be wound up :

Provided that the court is satisfied that by reason of the change the interests of the company or any part of its members are or are likely to be unfairly and materially prejudiced

153D. *Effect of termination of managing agency agreement, etc.*—(1) Where by virtue of an order made under sub-section (5) of section 153C an agreement between a company and its manager, managing agent, managing director or other director, as the case may be, is terminated or any other agreement is terminated or revised,

(a) the order shall not give rise to any claim on the part of the manager, managing agent, managing director or other director, as the case may be, for damages or for compensation for loss of office or otherwise, whether the claim is made in pursuance of the agreement or otherwise,

(b) the order shall not give rise to any claim on the part of any other person for damages or for compensation for the termination or revision of any other agreement, and

(c) no manager, managing agent, managing director or other director or any associate of such managing agent shall, without the leave of the court, be appointed or reappointed or be entitled to act as the manager, managing agent, managing director or director of the company for a period of five years from the date of the order.

(2) If any person acts as the managing agent or manager of a company in contravention of the provisions of this section, such person, and in the case of a company each of its directors, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

(3) No court shall grant leave under this section unless notice of the application has been served on the Central Government and the Central Government has been given an opportunity of being heard in the matter.

Explanation.—In this section, the expression 'associate of a managing

agent' means—

(a) any firm of which the managing agent is a partner ;

(b) any partner of the managing agent ;

(c) any private company in which the managing agent or any partner of the managing agent or any officer of the managing agent is a member, director, managing agent or manager ;

(d) in the case of a managing agent which is a company, any subsidiary company of the managing agent and any director, managing agent or manager of the managing agent or any subsidiary company of the managing agent ;

(e) where the managing agent is a private company, any director or any member thereof ;

(f) any company of which the managing agent, whether alone or together with any partner of the managing agent, and where the managing agent is a company, any director of the managing agent, is entitled to exercise, or control the exercise of, one-quarter or more of the voting power at any general meeting."

8. *Insertion of new section 289B in Act VII of 1913.*—After section 289A of the principal Act, the following section shall be inserted, namely:—

"289B. *Power of Central Government to appoint advisory commission and to make rules in respect of certain matters.*—(1) For the purpose of advising it in relation to any matter arising out of section 86J, section 87AA, clause (c) of section 87B, section 87BB or section 87CC, the Central Government may constitute a commission consisting of not more than three persons with suitable qualifications and appoint one of them to be the chairman thereof.

(2) It shall be the duty of the commission to inquire into and advise the Central Government on all applications for approval made to the Central Government under any of the sections referred to in sub-section (1) and on all other matters which may be referred to it by the Central Government under any of the said sections.

(3) Every application for approval made to the Central Government under any of the sections referred to in sub-section (1) shall be in such form as may be prescribed.

(4) Before any application for approval is made to the Central Government, there shall be issued by or on behalf of the company a general notice to the members indicating the nature of the approval sought, and such notice shall be published once in the principal Indian language of the State in which the registered office of the company is situate in a newspaper circulating in that State, and once in English in a newspaper similarly circulating, and copies of the publication duly certified by the company shall be attached to the application for approval.

Provided that nothing in this sub-section shall apply to a private company which is not the managing agent of a public company.

(5) For the purpose of making any inquiry under this section the commission may—

(a) require the production before it of any books or other documents in the possession, custody or control of the company relating to any matter under inquiry ;

(b) call for any further information or explanation if the commission is of opinion that such information or explanation is necessary in order that the books or other documents produced before it may afford full particulars of the matter to which they purport to relate ;

(c) with such assistants as it thinks necessary, inspect any books or other documents so produced and make copies thereof or take extracts therefrom ;

(d) require any manager, managing agent, managing director or any other director or other officer of the company or any shareholder or any other person who, in the opinion of the commission is likely to furnish information with respect to the affairs of the company relating to any matter under inquiry, to appear before it, and examine such person on oath or require him to furnish such information as may be required and administer an oath accordingly to the person for the purpose.

(6) If any person refuses or neglects to produce any book or other document in his possession or custody which he is required to produce under this section or to answer any question put to thim relating to any matter under inquiry, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

(7) No suit or other legal proceeding shall lie against the Central Government, the commission or any member of the commission in respect of anything which is in good faith done or intended to be done in pursuance of this section or the sections referred to in sub-section (1) or of any rules or orders made thereunder."

9. *Repeal of Ordinance III of 1951.*—(1) The Indian Companies (Amendment) Ordinance, 1951 (III of 1951) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

The Employees' State Insurance (Amendment) Act, 1951.

The following Act of Parliament received the assent of the President on the 6th October, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 6th October 1951.

Act No. LIII of 1951.

An Act to amend the Employees' State Insurance Act, 1948.

[*6th October, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Employees' State Insurance (Amendment) Act, 1951.

2. *Amendment of section 1, Act XXXIV of 1948.*—In section 1 of the Employees' State Insurance Act, 1948 (hereinafter referred to as the principal Act),—

(a) in sub-section (2), for the words and letter "except Part B States" the words "except the State of Jammu and Kashmir" shall be substituted;

(b) in sub-section (3), for the words "for different States" the words "for different States or for different parts thereof" shall be substituted ;

(c) in sub-section (5), for the words "with the approval of the Central Government" the words "where the appropriate Government is a State Government, with the approval of the Central Government" shall be substituted.

3. *Amendment of section 2, Act XXXIV of 1948.*—In section 2 of the principal Act.—

(a) for clause (2) the following clause shall be substituted, namely :—

'(2) "benefit period" means such period, being not less than twenty-five but not exceeding twenty-seven consecutive weeks or six consecutive

months corresponding to the contribution period, as may be specified in the regulations:

Provided that in the case of the first benefit period a longer or shorter period may be specified by or under the regulations ;';

(b) for clause (5) the following clause shall be substituted, namely :—

'(5) "contribution period" means such period, being not less than twenty-five but not exceeding twenty-seven consecutive weeks or six consecutive months, as may be specified in the regulations:

Provided that in the case of the first contribution period a longer or shorter period may be specified by or under the regulations ;';

(c) in clause (12),—

(i) in the definition of "factory", the words "or a railway running shed" shall be added at the end ; and

(ii) for the figures "1934" the figures "1948" shall be substituted ;

(d) in clasue (15), for the figures "1934" the figures "1948" shall be substituted ;

(e) in clause (17), in sub-clause (i), for the words, brackets, letter and figures "clause (e) of sub-section (1) of section 9 of the Factories Act, 1934" the words and figures "the Factories Act, 1948" shall be substituted.

(f) in clause (22) for the words "paid at regular intervals after the last day of the wage period" the words "paid at intervals not exceeding two months" shall be substituted.

4. *Amendment of section 4, Act XXXIV of 1948.*—In section 4 of the principal Act, in clause (d), for the words and letter "Part A States" the words and letters "Part A States and Part B States in which this Act is in force" shall be substituted.

5. *Amendment of section 8, Act XXXIV of 1948.* In section 8 of the principal Act,—

(a) after clause (b) the following clause shall be inserted, namely :—

"(bb) three members of the Corporation representing such three State Governments thereon as the Central Government may, by notification in the Official Gazette, specify from time to time;";

(b) in clause (c),—

(i) for the word "nine" the words "six" shall be substituted ; and

(ii) sub-clause (i) shall be omitted.

6. *Amendment of section 9, Act XXXIV of 1948.* –In section 9 of the principal Act, for the word, brackets and letter 'clause (b)", in both the places where they occur, the words, brackets and letters "clause (b) or clause (bb)" shall be substituted.

7. *Amendment of section 10, Act XXXIV of 1948* –In section 10 of the principal Act, in clause (d) of sub-section (1), for the words and letter "Part A States" the words and letters "Part A States and Part B States in which this Act is in force" shall be substituted.

8. *Amendment of section 12, Act XXXIV of 1948.*– Section 12 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) Where in the opinion of the Central Government any person nominated or elected to represent employers, employees or the medical profession on the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, has ceased to represent such employers, employees or the medical profession, the Central Government may, by notification in the Official Gazette, declare that with effect from such

date as may be specified therein such person shall cease to be a member of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be."

9. *Amendment of section 22, Act XXXIV of 1948.*—In clause (a) of section 22 of the principal Act, for the words "the Corporation, the Standing Committee and the Medical Commissioner" the words "the Corporation and the Standing Committee" shall be substituted.

10. *Amendment of section 26, Act XXXIV of 1948.*—In section 26 of the principal Act,—

(a) in sub-section (2), the words and letter "Part B States" shall be omitted ; and

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

(3) Subject to the other provisions contained in this Act and to any rules or regulations made in this behalf, all moneys accruing or payable to the said Fund shall be paid into the Reserve Bank of India or such other bank as may be approved by the Central Government to the credit of an account styled the account of the Employees' State Insurance Fund."

11. *Amendment of section 28, Act XXXIV of 1948.*—In clause (v) of section 28 of the principal Act, the words and letter "Part B States" shall be omitted.

12. *Substitution of new section for section 44 in Act XXXIV of 1948.*—For section 44 of the principal Act, the following section shall be substituted, namely :—

"44. *Employers to furnish returns and maintain registers in certain cases.*—(1) Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him or to any factory or establishment in respect of which he is the principal or immediate employer as may be specified in regulations made in this behalf.

(2) Where in respect of any factory or establishment the Corporation has reason to believe that a return should have been submitted under sub-section (1) but has not been so submitted, the Corporation may require any person in charge of the factory or establishment to furnish such particulars as it may consider necessary for the purpose of enabling the Corporation to decide whether the factory or establishment is a factory or establishment to which this Act applies.

(3) Every principal and immediate employer shall maintain such registers or records in respect of his factory or establishment as may be required by regulations made in this behalf."

13. *Amendment of section 45, Act XXXIV of 1948.*—In sub-section (2) of section 45 of the principal Act, after clause (c) the following clauses shall be inserted, namely :—

"(d) make copies of, or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises;

(e) exercise such other powers as may be prescribed.

14. *Amendment of section 50, Act XXXIV of 1948.*—In section 50 of the principal Act,—

(a) in sub-section (1), for the word "occurring" the words "occurring or expected to occur" shall be substituted ;

(b) in sub-section (2), for the words "the rate of twelve annas a day"

the words "the daily rate specified in sub-section (3)" shall be substituted:

(c) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) The daily rate referred to in sub-section (2) shall be—

(i) the rate at which the insured woman could have claimed sickness benefit for any period of sickness during the benefit period in which the confinement occurs or is expected to occur if she had been qualified to claim sickness benefit during that period, or

(ii) twelve annas,

whichever is greater".

15. *Amendment of section 53, Act XXXIV of 1948.*—In clause (iii) of section 53 of the principal Act, for the words and figures "Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923)" the words "Employees' Insurance Court having jurisdiction" shall be substituted.

16. *Amendment of section 55, Act XXXIV of 1948.*—In section 55 of the principal Act,—

(a) for sub-section (1) the following sub-section shall be substituted, namely :—

"(1) Subject to the provisions of this Act, the Corporation may, either of its own motion or on the application of the person receiving the benefit, review the payment of any disablement or dependants' benefit :

Provided that unless otherwise specified in the regulations made in this behalf every application for the review of a disablement benefit shall be accompanied by a certificate of a duly appointed medical officer.";

(b) in sub-section (2),—

(i) for the words "the Commissioner" the words "the Corporation" shall be substituted ; and

(ii) for the words "disablement benefit" the words "disablement or dependants' benefit" shall be substituted.

17. *Amendment of section 56, Act XXXIV of 1948.*—In sub-section (3) of section 56 of the principal Act, for the words "or as provided under the regulations, is in receipt of disablement benefit" the words "or is in receipt of such disablement benefit as does not disentitle him to medical benefit under the regulations" shall be substituted.

18. *Amendment of section 58, Act XXXIV of 1948.*—In sub-section (4) of section 58 of the principal Act, for the words and letter "for a Part A State" the words "of a State" shall be substituted.

19. *Amendment of section 68, Act XXXIV of 1948.*—In sub-section (1) of section 68 of the principal Act, for clause (i), the following clause shall be substituted, namely :—

"(i) the difference between the amount of benefit which is paid by the Corporation to the said person and the amount of the benefit which would have been payable on the basis of the contributions which were in fact paid by the employer ; or ";

20. *Insertion of new Chapter V-A in Act XXXIV of 1948.*—In the principal Act, after Chapter V, the following shall be inserted as Chapter V-A, namely :—

CHAPTER V-A

TRANSITORY PROVISIONS.

73A. *Employer's special contribution*.—(1) For so long as the provisions of this Chapter are in force, every principal employer shall, notwithstanding anything contained in this Act, pay to the Corporation a special

contribution (hereinafter referred to as the employer's special contribution) at the rate specified under sub-section (3).

(2) The employer's special contribution shall, in the case of a factory or establishment situate in any area in which the provisions of both Chapters IV and V are in force, be in lieu of the employer's contribution payable under Chapter IV.

(3) The employer's special contribution shall consist of such percentage, not exceeding five per cent. of the total wage bill of the employer, as the Central Government may, by notification in the Official Gazette, specify from time to time :

Provided that before fixing or varying any such percentage the Central Government shall give by like notification not less than two months' notice of its intention so to do and shall in such notification specify the percentage which it proposes to fix or, as the case may be, the extent to which the percentage already fixed is to be varied :

Provided further that the employer's special contribution in the case of factories or establishments situate in any area in which the provisions of both Chapters IV and V are in force shall be fixed at a rate higher than that in the case of factories or establishments situate in any area in which the provisions of the said Chapters are not in force.

(4) The employer's special contribution shall fall due as soon as the liability of the employer to pay wages accrues, but may be paid to the Corporation at such intervals, within such time and in such manner as the Central Government may, by notification in the Official Gazette, specify, and any such notification may provide for the grant of a rebate for prompt payment of such contribution.

Explanation.—"Total wage bill" in this section means the total wages which have accrued due to employees in a factory or establishment in respect of such wage periods as may be specified for the purposes of this section by the Central Government by notification in the Official Gazette.

73B. *Special tribunals for decision of disputes or questions under this Chapter where there is no Employees' Insurance Court.*—(1) If any question or dispute arises in respect of the employer's special contribution payable or recoverable under this Chapter and there is no Employees' Insurance Court having jurisdiction to try such question or dispute, the question or dispute shall be decided by such authority as the Central Government may specify in this behalf.

(2) The provisions of sub section (1) of section 76, sections 77 to 79 and 81 shall, so far as may be, apply in relation to a proceeding before an authority specified under sub-section (1) as they apply in relation to a proceeding before an Employees' Insurance Court.

73C. *Benefits under Chapter V to depend upon employee's contribution* —The payment of the employee's contribution for any week in accordance with the provisions of Chapter IV in any area where all the provisions of that Chapter are in force shall for the purpose of Chapter V, have effect as if the contributions payable under Chapter IV in respect of that employee for that week had been paid, and shall accordingly entitle the employee as an insured person to the benefits specified in Chapter V if he is otherwise entitled thereto.

Explanation.—In the case of an exempted employee, the employee's contribution shall be deemed to have been paid for a week if the Corporation is satisfied that during that week the employer's contribution under Chapter IV would have been payable in respect of him but for the provisions of this Chapter.

73D. *Mode of recovery of employer's special contribution.*—The employer's special contribution payable under this Chapter may be recovered as if it were an arrear of land revenue.

73E. *Power to call for additional information or return.*—Without prejudice to the other provisions contained in this Act, the Corporation may, for the purpose of determining whether the employer's special contribution is payable under this Chapter or for determining the amount thereof, by general or special order, require any principal or immediate employer or any other person to furnish such information or returns to such authority, in such form and within such time as may be specified in the order.

73F. *Power to exempt to be exercised by Central Government alone in respect of employer's special contribution.*—Notwithstanding anything contained in this Act, the Central Government may, having regard to the size or location of, or the nature of the industry carried on in, any factory or establishment or class of factories or establishments, exempt the factory or establishment or class of factories or establishments from the payment of the employer's special contribution under this Chapter and nothing contained in sections 87 to 91, inclusive, shall be deemed to authorise any State Government to grant any such exemption.

73G. *Application of certain provisions of this Act to employer's special contribution.*—Save as otherwise expressly provided in this Chapter, the provisions of Chapter IV, section 72 and Chapter VII and any rules and regulations made under this Act shall, so far as may be, apply in relation to the payment or recovery of employer's special contributions, the penalties specified in connection therewith and all other matters incidental thereto as they would have applied in relation to an employer's contribution if this Chapter were not in force and the employer's contribution had been payable under this Act.

73H. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Chapter, the Central Government may, by order notified in the Official Gazette, make such provision or give such direction as appear to it to be necessary for the removal of the difficulty.

(2) Any order made under this section shall have effect notwithstanding anything inconsistent therewith in any rules or regulations made under this Act.

73I. *Duration of Chapter V-A.*—The Central Government may, by notification in the Official Gazette, direct that the provisions of this Chapter shall cease to have effect on such date as may be specified in the notification, not being a date earlier than three months from the date of the notification :

Provided that on the provisions of this Chapter so ceasing to have effect the provisions of section 6 of the General Clauses Act, 1897 (X of 1897), shall apply as if the provisions of this Chapter had then been repealed by a Central Act'.

21. *Amendment of section 75, Act XXXIV of 1948.*—In sub-section (1) of section 75 of the principal Act, after clause (e) the following clause shall be inserted, namely :—

"(ee) any direction issued by the Corporation under section 55 on a review of any payment of disablement or dependants' benefits;".

22. *Amendment of section 86, Act XXXIV of 1948.*—To sub-section (1) of section 86 of the principal Act, the words "or of such other officer of the Corporation as may be authorised in this behalf by the Central Government" shall be added at the end.

23. *Amendment of section 94, Act XXXIV of 1948.*—In section 94 of

the principal Act, after the words, figures and brackets "Insolvency Act, 1920 (V of 1920)", the words and letter "or under any law relating to insolvency in force in a Part B State" shall be inserted.

24. *Insertion of new section 94A in Act XXXIV of 1948.*—After section 94 of the principal Act, the following section shall be inserted, namely :—

"94A. *Delegation of powers.*—The Corporation, and, subject to any regulations made by the Corporation in this behalf, the Standing Committee may direct that all or any of the powers and functions which may be exercised or performed by the Corporation or the Standing Committee, as the case may be, may, in relation to such matters and subject to such conditions, if any, as may be specified, be also exercisable by any officer or authority subordinate to the Corporation".

25. *Amendment of section 97, Act XXXIV of 1948.* In sub-section (2) of section 97 of the principal Act,—

(a) for clause (xix), the following clause shall be substituted, namely :—

"(xix) the returns to be submitted and the registers or records to be maintained by the principal and immediate employers, the forms of such returns, registers or records, and the times at which such returns should be submitted and the particulars which such returns, registers and records should contain;";

(b) for clause (xxi) the following clause shall be substituted, namely: —

"(xxi) the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the officers and servants of the Corporation other than the Principal Officers;";

(c) after sub-section (2) the following sub-section shall be inserted, namely.—

"(2A) The condition of previous publication shall not apply to any regulations of the nature specified in clause (xxi) of sub-section (2)".

26. *Omission of section 98, Act XXXIV of 1948.*—Section 98 of the principal Act shall be omitted.

27. *Insertion of new section 100 in Act XXXIV of 1948.*—After section 99 of the principal Act, the following section shall be inserted, namely :—

"100. *Repeals and savings.*—If, immediately before the day on which this Act comes into force in a Part B State, there is in force in that State any law corresponding to this Act, that law shall, on such day, stand repealed :

Provided that the repeal shall not effect—

(a) the previous operations of any such law, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(c) any investigation or remedy in respect of any such penalty, forfeiture or punishment ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

Provided further that subject to the preceding proviso anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act".

28. *Amendment of Schedule I, Act XXXIV of 1948.*—In Schedule I to the principal Act, for paragraph 2 the following paragraph shall be substituted, namely :—

2. The average daily wages shall be :—

(a) in respect of an employee whose wage period is a day, the amount of wages earned during the week divided by the number of days worked in that week ;

(b) in respect of an employee employed on the basis of any other wage period, the amount of wages earned in that wage period, in which the contribution falls due divided by the number of days worked in such wage period :

(c) in respect of an employee employed on any other basis, the amount calculated on the basis of wages earned for the day on which the contribution falls due or on such other day as may be specified in the regulations in this behalf.

Explanation I —Subject to any regulations made in this behalf, the term "days worked" means the number of days on which the employee worked for wages.

Explanation II. - Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the days worked as part of the day preceding.

Explanation III.—Except as provided by regulations, wages, pay, salaries or allowances paid in respect of any period of leave or holidays other than the weekly holidays shall not be taken into account in calculating wages.

Explanation IV.—"Wage period" means the period in respect of which wages are ordinarily payable whether in terms of the contract of employment, express or implied, or otherwise.

29. *Amendment of Schedule II, Act XXXIV of 1948.*—In Schedule II to the principal Act,—

(a) in paragraph 2,—

(i) after the word and figures "section 48" the words "plus the number of any other weeks in that contribution period for which contributions were paid in respect of the person" shall be inserted ;

(ii) in *Example 3*, for the words "benefit year" the words "benefit period" shall be substituted ;

(b) in paragraph 3, for the words "provided that", the following words shall be substituted, namely :—

"Provided that where no contribution was paid in respect of the employee during the aforesaid period of fifty-two weeks the disablement and dependants' benefit shall be an amount equivalent to one-fifty-second part of the monthly wages calculated in accordance with section 5 of the Workmen's Compensation Act, 1923 (VIII of 1923), and provided further that" ;

(c) in paragraph 4, in the second proviso to sub-paragraph (ii) —

(i) for the words "legitimate children" the words "legitimate children or adopted son" shall be substituted ;

(ii) for the words "exceeds the full rate" the words "exceeds at any time the full rate" shall be subsitituted ; and

(iii) for the word "reduced" the word "altered" shall be substituted ;

(d) in paragraph 5, for the words and figures "Commissioner appointed under the Workmen's Compensation Act, 1923" the words "Employees' Insurance Court having juisdiction" shall be substituted.

The Companies (Donations to National Funds) Act, 1951.

The following Act of Parliament received the assent of the President on the 17th October, 1951 and was published in the *Gazette of India*, Extraordinary, Part II-Sec. 3, dated the 18th October 1951.

Act No. LIV of 1951

An Act to enable companies to make donations to national funds.

[*17th October, 1951*]

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(1) This Act may be called the Companies (Donations to National Funds) Act, 1951.

(2) It extends to whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act,—

(a) "company" means a company as defined in section 2 of the Companies Act, and includes a company deemed to be incorporated and registered under that Act by virtue of section 2B thereof ;

(b) "the Companies Act" means the Indian Companies Act, 1913 (VII of 1913).

3. *Power of companies to make donations to certain National Funds.*—Any company may, notwithstanding anything contained in the Companies Act or in any other law for the time being in force regulating the affairs thereof, and notwithstanding that the memorandum or articles of association of the company do not enable it so to do, by an extraordinary resolution passed in accordance with the provisions contained in section 81 of the Companies Act, authorise the making of donations to the Gandhi National Memorial Fund or the Sardar Vallabhai National Memorial Fund, or to any other Fund established for a charitable purpose which by reason of its national importance has been approved by the Central Government for the purposes of this section.

4. *Repeal of Act XXXV of 1948.*—The Gandhi National Memorial Fund Donation (Companies) Act, 1948, is hereby repealed.

The Press (Objectionable Matter) Act, 1951.

The following Act of Parliament received the assent of the President on the 23rd October, 1951 and was published in the *Gazette of India*, Extraordinary, Part II Section 1, dated the 23rd October 1951.

Act No. LVI of 1951.

An Act to provide against the printing and publication incitement to crime and other objectionable matter.

[*23rd October, 1951*]

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Press (Objectionable Matter) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and shall remain in force for a period of two years from the date of its commencement.

Notes

Date of commencement—The Central Government has appointed the 1st February 1952 to be the date on which the Act shall come into force. (*Vide* Notification No. S. R. O. 1709, dated the 29th October 1951, pub-

lished in the *Gazette of India*, Part II-Section 3, dated the 10th November 1951).

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced;

(b) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(c) "competent authority" means any officer empowered in this behalf by a general or special order of the State Government;

(d) "document" includes also any painting, drawing or photograph or other visible representation;

(e) "newspaper" means any periodical work containing public news or comments on public news;

(f) 'news-sheet" means any document other than a newspaper containing public news or comments on public news;

(g) "press" means a printing press, and includes all plant, machinery, duplicators types, implements and other materials used for the purpose of, or in connection with, printing or multiplying documents;

(h) "Press Registration Act" means the Press and Registration of Books Act, 1867 (XXV of 1867);

(i) "Sessions Judge", in relation to the presidency town of Calcutta or of Madras, means the Chief Presidency Magistrate;

(j) "unauthorised newspaper" means—

(i) any newspaper in respect of which security has been required under this Act but has not been furnished as required, or

(ii) any newspaper which is published without conforming to the rules laid down in section 5 of the Press Registration Act;

(k) "unauthorised news-sheet" means any news-sheet in respect of which security has been required under this Act but has not been furnished as required;

(l) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press Registration Act.

3. *Objectionable matter defined.*—In this Act, the expression "objectionable matter" means any words, signs or visible representations which are likely to—

(i) incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

(ii) incite or encourage any person to commit murder, sabotage or any offence involving violence; or

(iii) incite or encourage any person to interfere with the supply and distribution of food or other essential commodities or with essential services; or

(iv) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or

(v) promote feelings of enmity or hatred between different sections of the people of India;

or which—

(vi) are grossly indecent, or are scurrilous or obscene or intended for blackmail.

Explanation I.—Comments expressing disappobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different sections of the people of India, shall not be deemed to be objectionable matter within the meaning of this section.

Explanation II.—In judging whether any matter is objectionable matter under this Act, the effect of the words, signs or visible representations, and not the intention of the keeper of the press or the publisher of the newspaper or news-sheet, as the case may be, shall be taken into account.

Explanation III.—'Sabotage' means the doing of damage to plant or stocks, or to bridges, roads and the like with intent to destroy or injuriously to affect the utility of any plant or service or means of communication.

CHAPTER II

PRINTING AND PUBLICATION OF OBJECTIONABLE MATTER

4. *Power to demand security from presses in certain cases.*—Whenever upon complaint made to him in writing by the competent authority and inquiry made in the manner hereinafter provided, a Sessions Judge is satisfied—

(a) that any press kept within the local limits of his jurisdiction is used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter; and

(b) that there are sufficient grounds for demanding security from the keeper of the press under this section,

the Sessions Judge shall, by order in writing, direct the keeper of the press to deposit as security within twenty-one days from the date of the order, such amount as the Sessions Judge may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose :

Provided that if, having regard to all the circumstances, the Sessions Judge is satisfied that the requirements of the case will be met by a warning, he may, instead of demanding security, record such warning.

5. *Power to forfeit security or demand further security.*—Whenever upon complaint made to him in writing by the competent authority and inquiry made in the manner hereinafter provided, the Sessions Judge is satisfied—

(a) that any press, in respect of which any security has been ordered to be deposited under section 4 or under this section is thereafter used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, and

(b) that there are sufficient grounds for making an order under this section,

the Sessions Judge shall, by order in writing,—

(i) declare such security as has been deposited or any portion thereof to be forfeited to the Government, or

(ii) direct the keeper of the press to deposit, within twenty-one days from the date of the order, such further security as the Sessions Judge may deem fit to require,

and may also, in either case, declare all copies of the newspaper, news-sheet, book or other document containing such objectionable matter, wherever found in India, to be forfeited to the Government.

6. *Consequences of failure to deposit security as required under section 4 or section 5.*—(1) Where the keeper of a press is required under section 4 or section 5 to deposit any amount as security and the deposit is not made within the time allowed,—

(a) the declaration made by the keeper of the press under the Press Registration Act shall be deemed to be annulled ;

(b) notwithstanding anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make, or be allowed to make, a fresh declaration before a Magistrate under that Act in respect of the press unless he deposits with the Magistrate as security the same amount as was required of the keeper of the press under section 4 or section 5, as the case may be, in money or the equivalent thereof in Government securities as the person making the deposit may choose ; and

(c) the press shall not be used for the printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made.

(2) Where any press is used in contravention of clause (c) of sub-section (1), any Magistrate may, on a complaint in writing made to him in this behalf by the competent authority, direct the keeper of the press to show cause why it should not be forfeited to Government, and after hearing him and on being satisfied that there are grounds for passing the order, declare the press or any part thereof to be forfeited to the Government:

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture, and if the keeper of the press deposits the required amount within the aforesaid period, the press or part thereof, as the case may be, shall be returned to the keeper of the press.

7. *Power to demand security from newspapers and news-sheets in certain cases.*—Whenever upon complaint made to him in writing by the competent authority and inquiry made in the manner hereinafter provided, a Sessions Judge is satisfied—

(a) that a newspaper or news-sheet published within the local limits of his jurisdiction contains any objectionable matter, and

(b) that there are sufficient grounds for demanding security from the publisher of the newspaper or news-sheet under this section,

the Sessions Judge shall, by order in writing, direct the publisher of the newspaper or news-sheet to deposit as security within twenty-one days from the date of the order, such amount as the Sessions Judge may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose.

8. *Power to forfeit security or demand further security.*—Whenever upon complaint made to him in writing by the competent authority and inquiry made in the manner hereinafter provided, the Sessions Judge is satisfied—

(a) that any newspaper or news-sheet in respect of which any security has been ordered to be deposited under section 7 or under this section thereafter publishes any objectionable matter, and

(b) that there are sufficient grounds for making an order under this section,

the Sessions Judge shall, by order in writing,—

(i) declare such security as has been deposited or any portion thereof to be forfeited to the Government, or

(ii) direct the publisher of the newspaper or news-sheet to deposit within twenty-one days from the date of the order such further security as the Sessions Judge may deem fit to require,

and may also, in either case, declare all copies of the newspaper or news-sheet containing such objectionable matter, wherever found in India, to be forfeited to the Government

9. *Consequences of failure to deposit security as required under section 7 or section 8.*—(1) Where the publisher of a newspaper is required under section 7 or section 8 to deposit any amount as security and the deposit is not made within the time allowed,

(a) the declaration made by the publisher of the newspaper under section 5 of the Press Registration Act shall be deemed to be annulled ; and

(b) notwithstanding anything contained in the Press Registration Act, no person shall make, or be allowed to make, a fresh declaration before a Magistrate under section 5 of that Act as publisher of that newspaper or any other newspaper which is the same in substance as that newspaper, unless he deposits with the Magistrate as security the same amount as was required of the publisher of the newspaper under section 7 or section 8, as the case may be, in money or the equivalent thereof in Government securities as the person making the deposit may choose

(2) Where a deposit is required from the publisher of a newspaper or news-sheet under section 7 or section 8, no press shall, after the expiry of the time allowed to make the deposit, be used for the printing or publishing of such newspaper or news-sheet, without the permission of the Government, until the deposit has been made.

(3) The keeper of any press who knowingly contravenes the provisions of sub-section (2) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and where such keeper is convicted for a second or subsequent contravention under this sub-section in respect of the same newspaper or news-sheet, the Court may also direct that the press or any part thereof shall be forfeited to Government.

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture, and if the keeper of the press deposits the required amount within the aforesaid period, the press or part thereof, as the case may be, shall be returned to the keeper of the press.

10. *Amount of security.*—The amount of security required to be deposited by the keeper of a press or the publisher of any newspaper or news-sheet under section 4 or section 5 or section 7 or section 8, shall be fixed with due regard to the circumstances of the case and shall not be excessive, and shall, in no case, be larger than the amount specified in the complaint under section 16.

11. *Power of Government to declare certain publications forfeited*—The State Government may, on the certificate of the Advocate-General or the principal law officer, as the case may be, of the State or of the Attorney-General of India that any issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to the Government.

12. *Power to detain packages containing certain publications when imported.*—(1) The chief customs officer or other officer authorised by the State Government in this behalf may detain any package brought whether by land, sea or air into the territories to which this Act extends in which he suspects there are newspapers, news-sheets, books or other documents containing objectionable matter, and shall forthwith forward copies of

any newspapers, books or other documents found therein to such officer as the State Government may appoint in this behalf to be disposed of in such manner as the Sate Government may direct.

(2) Any person aggrieved by any action taken under sub-section (1) may apply to the State Government for review and the State Government may pass such orders thereon as it thinks fit.

13. *Prohibition of transmission by post of certain documents.*—(1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Act, and no unauthorised newspaper or unauthorised news-sheet shall be transmitted by post.

(2) Any officer in charge of a post office or authorised in this behalf by the Postmaster-General may detain in course of transmission by post any article, other than a letter, which he suspects to contain any such document as is mentioned in sub-section (1), and shall deliver all such articles to such officer as the State Government may appoint in this behalf.

(3) If the officer to whom any article is delivered under sub-section (2) is satisfied that the article contains any such document as is mentioned in sub-section (1), he may pass such orders as to the disposal of the article and its contents as he deems proper, and if he is not so satisfied, he shall return the article to the post office for transmission to the addressee.

14. *Power to seize and destroy unauthorised news-sheets and newspapers.*—(1) Any police officer or any other person empowered in this behalf by the State Government may seize any unauthorised newspaper or unauthorised news sheet.

(2) Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may, by warrant authorise any police officer, not below the rank of sub-inspector, to enter upon and search any place where any stock of unauthorised newspapers or news-sheets may be, or may be reasonably suspected to be, and such police officer may seize any document found in such place which in his opinion are unauthorised newspapers or unauthorised news-sheets.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court any of such documents are unauthorised newspapers or unauthorised news-sheets, the Magistrate or Court may cause them to be destroyed, but if, in the opinion of such Magistrate or Court, any of such documents are not unauthorised newspapers or unauthorised news-sheets, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code.

15 *Power to seize and forfeit undeclared presses producing unauthorised newspapers and unauthorised news-sheets.*—(1) Where a Presidency Magistrate, District Magistrate or Sub-divisional Magistrate, has reason to believe that an unauthorised newspaper or unauthorised news-sheet is being produced from an undeclared press within the local limits of his jurisdiction, he may, by warrant, authorise any police officer not below the rank of sub-inspector to enter upon and search any place where such undeclared press may be or may be reasonably suspected to be and if in the opinion of such police officer any press found in such place is an undeclared press and is used to produce an unauthorised newspaper or un-

authorised news-sheet, he may seize such press and any documents found in the place which in his opinion are unauthorised newspapers or unauthorised news-sheets.

(2) The police officer shall forthwith make a report of the search to the Court which issued the warrant and shall produce before such Court as soon as may be all property seized :

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court after such inquiry as it may deem requisite is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised newspaper or news-sheet, it may, by order in writing, declare the press or any part thereof to be forfeited to the Government, but if after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code.

(4) The Court shall deal with the documents produced before it under this section in the manner provided in sub-section (4) of section 14.

CHAPTER III

PROCEDURE

Inquiry before Sessions Judges

16. *Contents of complaint.*—Every complaint to the Sessions Judge under this Act against any person (hereinafter referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made, and where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the State Government, should be so demanded.

17. *Issue of notice.*— On receipt of a complaint from the competent authority, the Sessions Judge shall issue notice thereof to the respondent, calling upon him to appear and show cause on a date to be specified in the notice why such action as may be appropriate in the circumstances of the case should not be taken against him under this Act.

18. *Procedure for inquiries* – (1) When the respondent appears before the Sessions Judge in compliance with a notice under section 17, the Sessions Judge shall settle the points for determination and proceed to inquire into the complaint and after taking such evidence as may be produced and after hearing the parties, pass such orders under this Act as he may think fit.

(2) Any inquiry under this Act shall be made, as nearly as may be practicable, in the manner prescribed for conducting trials in summons cases by Magistrates under the Code except that evidence shall be recorded in full.

19. *Non appearance of respondent.*—If upon the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear the Sessions Judge shall proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and pass such orders under this Act as he may think fit :

Provided that if, on an application made by the respondent within fifteen days of the date of the *ex parte* order, the Sessions Judge is satisfied that there are sufficient grounds, he may set aside the order and make a fresh inquiry into the complaint.

20. *Jury.*—(1) If in any inquiry before a Sessions Judge under this Act, the respondent claims to have the matter determined with the aid of

a jury, the provisions hereinafter contained shall apply.

(2) Every such jury shall consist of five persons and shall be chosen from the persons summoned to act as such from the list of persons prepared under sub section (3)

(3) Such officer as may be appointed by the State Government in this behalf shall prepare and make out in alphabetical order a list of persons residing within the State who by reason of their journalistic experience or of their connection with printing presses or newspapers or of their experience in public affairs are qualified to serve as jurors.

(4) The list shall contain the name, the place of residence and occupation of every such person.

(5) In so far as the provisions of parts C, E, F and K of Chapter XXIII of the Code can be made applicable consistently with the provisions of this Act, the provisions of the said parts C, E and F shall apply to all inquiries under this section, and the provisions of the said part K shall apply to the preparation and revision of lists of jurors under this section.

21. *Conclusion of inquiry made with the aid of a jury.*—(1) Where in an inquiry made with the aid of a jury the Sessions Judge does not think it necessary to express disagreement with the opinion of the jurors or a majority of the jurors, he shall pass orders accordingly.

(2) If in any such inquiry the Sessions Judge disagrees with the opinion of the jurors and is of opinion that it is necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly recording the grounds for his opinion,

(3) In dealing with the case so submitted, the High Court may exercise any of the powers conferred on a Sessions Judge by this Act.

22. *Admissibility of previous and subsequent issues.*—In any inquiry before a Sessions Judge with reference to any new paper or news-sheet, any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature and effect of the words, signs or visible representations in respect of which the complaint is made.

Appeal and Application to High Court.

23. *Appeal to High Court against orders of Sessions Judges.*—Any person against whom an order is passed by a Sessions Judge under section 4, section 5, section 7, or section 8 may, within sixty days of the date of such order, prefer an appeal to the High Court, and upon such appeal the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

24. *Application to High Court against orders of forfeiture.*—Any person aggrieved by an order of forfeiture passed by the State Government under section 11 or by a Magistrate under sub-section (2) of section 6 or sub-section (3) of section 9 or by any order under sub-section (2) of section 12 may, within sixty days of the date of such order, apply to the High Court to set aside such order, and upon such application, the High Court may pass such order as it deems fit confirming, varying or reversing the order of the State Government or the Magistrate, and may pass such consequential or incidental orders as may be necessary

25. *Procedure in High Court.*—Every High Court may frame rules to regulate the procedure in respect of cases submitted to it under section 21, appeals under section 23, and applications under section 24, costs in such proceedings and the execution of orders passed therein, and until such rules are framed, the practice of such High Court in proceedings in respect

of reference, appeal and revision shall apply, in so far as may be practicable, to such cases, appeals and aplications.

CHAPTER IV

PENALTIES

26. *Penalty for keeping press or publishing newspapers without making deposit.*—(1) Whoever is the keeper of a press which is used for the printing or publishing of any newspaper, news-sheet, book or other document without making a deposit as required under section 4 or section 5 shall be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months or with both.

(2) Whoever publishes any newspaper or news-sheet without making a deposit as required under section 7 or section 8 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months or with both.

27. *Penalty for disseminating unauthorised newspapers and unauthorised news-sheets.*—Whoever sells or distributes or keeps for sale or distribution any unauthorised newspaper or unauthorised news-sheet knowing or having reason to believe that it was an unauthorised newspaper or an unauthorised news-sheet shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER V

MISCELLANEOUS

28. *Service of notices.*—Every notice under this Act shall be served in the manner provided for the service of summonses under the Code :

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press Registration Act, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of that Act, and thereupon the notice shall be deemed to have been duly served.

29. *Issue of search warrants in certain cases.*—Where any press is, or any copies of any newspaper, news-sheet, book or other document are, declared forfeited to Government under this Act, the State Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of sub-inspector to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(a) where any such property may be, or may be reasonably suspected to be, or

(b) where any copy of such newspaper, news-sheet, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

(2) Without prejudice to the provisions contained in sub-section (1), where any newspaper, news-sheet, book or other doucument is declared forfeited to Government, it shall be lawful for any police officer to seize the same wherever found.

30. *Conduct of searches.*—Every warrant issued under this Act, shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code

31. *Power to transfer cases* —Whenever it appears to the High Court or, as the case may be, the Central Government that the transfer of any particular inquiry under this Act from one Sessions Judge to another will be convenient or will promote the ends of justice, such transfer may be directed—

(a) where both the Sessions Judges are subject to the appellate jurisdiction of a High Court, by that High Court ; and

(b) in any other case by the Central Government.

32. *Return of security in certain cases.*— Where any keeper of a press or publisher of a newspaper or news sheet has deposited any amount as security or further security as required under section 4 or section 5 or section 7 or section 8 and no further action has been taken in respect of the press or newspaper or news-sheet under this Act for a period of two years from the date of such deposit, the person who made the deposit or any person claiming under him may apply to the Magistrate, within whose jurisdiction such press is situate, or, as the case may be, such newspaper or news-sheet is published, for the return of the security in deposit ; and thereupon such security shall, upon proof of the claim of the applicant to the satisfaction of the Magistrate, be returned to such person.

33. *Bar of jurisdiction.*— Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court except the High Court on appeal or application under section 23, or section 24, and no civil or criminal proceeding except as provided by this Act shall be instituted against any person for anything which is in good faith done or intended to be done under this Act,

34. *Bar of double penalty.*—Notwithstanding anything contained in this Act, no keeper of a press or publisher of any newspaper or news-sheet shall be prosecuted under section 26, if for the same act or omission such person has been proceeded against under section 4 or section 5 or section 7 or section 8 nor shall any such person be proceeded against under section 4 or section 5 or section 7 or section 8, if for the same act or omission such person has been prosecuted under section 26.

35. *Cognizability of offences under this Act.*—Notwithstanding anything contained in the Code, any offence punishable under this Act and any abetment of any such offence shall be cognizable and bailable.

36. *Amendment of sections 4 and 8, Act XXV of 1867.*—In the Press and Registration of Books Act, 1867,—

(a) in section 4, for the words "the Magistrate" the words "the District, Presidency or Sub-Divisional Magistrate" shall be substituted ; and

(b) in section 8, for the words "any Magistrate" the words "any District, Presidency or Sub-Divisional Magistrate" shall be substituted.

37. *Repeals.*—(1) The Acts specified in the First Schedule are hereby repealed.

(2) Any provision contained in any of the Provincial or State Acts specified in the Second Schedule, in so far as it imposes any restrictions on the printing, publication or distribution of any newspaper, news-sheet, book or other document, whether by providing for the pre-censorship thereof, or for the demand of security from the printer or publisher, or in any other manner, shall cease to have effect.

THE FIRST SCHEDULE

[*See* section 37(1)]

CENTRAL ACTS

1. The Indian States (Protection against Disaffection) Act, 1922.
2. The Press (Emergency Powers) Act, 1931 (XXIII of 1931).
3. The Foreign Relations Act, 1932 (XII of 1932).
4. The Indian States (Protection) Act, 1934 (XV of 1934).

STATE ACTS

1. The Hyderabad Press and Printing Establishment Act (XII of 1357F).
2. The Madhya Bharat Press (Emergency Powers) Act, 1950 (LXIX of 1950).
3. The Mysore Press and Newspapers Act, 1940 (XIV of 1940).
4. The Patiala and East Punjab States Union Press (Emergency Powers) Ordinance, 2006 (XIV of 2006).
5. The Rajasthan Press Control Ordinance, 1949 (XLVI of 1949).

THE SECOND SCHEDULE

[*See* section 37(2)]

1. The Assam Maintenance of Public Order Act, 1947 (V of 1947).
2. The Bihar Maintenance of Public Order Act, 1949 (III of 1950).
3. The Bombay Public Security Measures Act, 1947 (VI of 1947).
4. The Madhya Pradesh Public Security Measures Act, 1950 (XXIII 1950).
5. The Madras Maintenance of Public Order Act, 1949 (XXIII of 1949).
6. The Orissa Maintenance of Public Order Act, 1950 (X of 1950).
7. The West Bengal Security Act, 1950 (XIX of 1950).
8. The United States of Gwalior, Indore and Malwa (Madhya Bharat) Maintenance of Public Order Act, Samvat 2005 (VII of 1949).
9. The Patiala and East Punjab States Union Public Safety Ordinance, 2006 (VII of 2006).
10. The Rajasthan Public Security Ordinance, 1949 (XXVI of 1949).
11. The Saurashtra Public Safety Measures Ordinance, 1948 (IX of 1948).
12. The Travancore-Cochin Safety Measures Act, 1950 (V of 1950).
13. The Bhopal State Public Safety Act, 1947 (V of 1947).

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PART IV
ORDINANCES

Published in the *Gazette of India*, Extraordinary, Part II-Section 1. dated the 11th July 1951.

The Essential Services (Prevention of Strikes) Ordinance, 1951.

No. I of 1951.

An Ordinance to provide for the prevention of strikes in certain essential services.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Essential Services (Prevention of Strikes) Ordinance, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance,—

(a) "essential service" means:

(i) any railway service:—

(ii) any public road transport service carried on by means of motor vehicles:

(iii) any service or employment in a port in connection with the loading, unloading, movement or storage of goods, the pilotage or berthing of vessels, or the maintenance of navigation channels;

(iv) any postal, telegraph or telephone service; or

(v) any service of the Central Government engaged in, or in connection with, the manufacture, repair, storage, inspection or distribution of ships, aircraft, vehicles, arms, ammunition or other stores or equipment of the armed forces; and

(b) "strike" means a total or partial cessation of work by a body of persons employed in any essential service acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment.

3. *Power to prohibit strikes in essential services.*—(1) The Central Government may, if satisfied that public interest so requires, by notification in the Official Gazette, prohibit strikes in any essential service specified in the notification within such area and for such period as may be so specified:

Provided that the period so specified shall not, in the first instance, exceed six months, but may, by a like notification, be extended by any period not exceeding six months if, in the opinion of the Central Government, public interest requires such extension.

(2) Upon the issue of a notification under sub-section (1),—

(a) no person employed in any essential service to which it relates shall go or remain on strike; and

(b) any strike declared or commenced, whether before or after the

issue of the notification, by persons employed in any such essential service, shall be illegal.

4. *Penalty for illegal strikes.*—(1) Any person who commences or continues a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under sub-section (1).

5. *Penalty for instigation, etc.* Any person who instigates or incites others to take part in, makes any preparation for, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

6. *Penalty for giving financial aid to illegal strikes.*—Any person who knowingly expends or applies any money in direct furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

7. *Effect of provisions inconsistent with other laws.*—The provisions of this Ordinance and of any notification as issued thereunder shall have effect notwithstanding anything inconsisent therewith contained in the Industrial Disputes Act, 1947 (XIV of 1947), or any other law for the time being in force.

RAJENDRA PRASAD,
President.

Published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 14th July 1951

The Railway Companies (Emergency Provisions) Ordinance, 1951.
No. II of 1951

An Ordinance to make provision for the proper management and administration of railway companies in certain special cases

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title, extent, application and commencement.*—(1) This Ordinance may be called the Railway Companies (Emergency Provisions) Ordinance, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It applies to every railway company in respect of which a notified order has been issued under section 3.

(4) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "Companies Act" means the Indian Companies Act, 1913 (VII of 1913) ;

(b) "directors" means the directors appointed under section 3 ;

(c) "notified order" means an order notified in the Official Gazette ;

(d) "prescribed" means prescribed by rules made under this Ordinance ;

(e) "railway company" means any company registered under the Companies Act or any law repealed thereby for the purpose of making and working or making or working a railway whether alone or in conjunction with other purposes.

3. *Power of Central Government to apply Ordinance to any railway company and to appoint directors thereof.*—(1) Where the Central Government is of opinion that a situation has arisen in the affairs of a railway company which—

(a) has prejudicially affected the convenience of persons using the railway administered by the railway company, or

(b) has caused serious dislocation in any trade or industry using the railway, or

(c) has caused serious unemployment amongst a section of the community,

the Central Government may, by notified order, apply the provisions of this Ordinance to the railway company and appoint as many persons as it thinks fit to be directors of the railway company for the purpose of taking over its management and administration.

(2) The power to appoint directors under this section includes the power to appoint any individual, firm or company to be the managing agent of the railway company on such terms and conditions as to the Central Government may seem fit.

4. *Effect of notified order appointing directors or managing agents.*—On the issue of a notified order under section 3,—

(a) all persons holding office as directors of the railway company immediately before the issue of the notified order shall be deemed to have vacated their offices as such ;

(b) any contract of management between the railway company and any managing agent thereof holding office as such immediately before the issue of the notified order shall be deemed to have terminated ;

(c) the managing agent, if any, appointed under this Ordinance shall be deemed to have been duly appointed in pursuance of the Companies Act and the memorandum and articles of association of the railway company, and the provisions of the Companies Act and of the memorandum and articles shall, subject to the other provisions contained in this Ordinance apply accordingly, but no such managing agent shall be removed from office except with the previous consent of the Central Government ;

(d) the directors shall take such steps as may be necessary to take into their custody or under their control all the property, effects and actionable claims to which the railway company is, or appears to be, entitled, and all the property and effects of the railway company shall be deemed to be in the custody of the directors as from the date of the notified order ;

(e) the directors shall be for all purposes the directors of the railway company duly constituted under the Companies Act, and shall alone be entitled to exercise all the powers of the directors of the railway company whether such powers are derived from the Companies Act or from the memorandum or articles of association of the railway company or from

any other source.

5. *Powers and duties of directors.*—(1) Subject to the control of the Central Government, the directors shall take such steps as may be necessary for the purpose of efficiently managing the business of the railway company and, in particular, the directors shall have power, notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the railway company,—

(a) to choose one of their number to be the chairman, and to delegate to him or to any one or more of the directors all or any of their powers ;

(b) with the previous approval of the Central Government and subject to such conditions as that Government may think fit to impose, to raise funds in such manner and offer such security therefor as they think fit ;

(c) to carry out such repairs as may be necessary in respect of any machinery, rolling stock, buildings, works or other property in their custody ;

(d) to do all acts necessary for making, maintaining, altering or repairing and using the railway of the railway company ;

(e) to employ such persons as may be necessary for enabling them to efficiently discharge their duties, and define the conditions of service of such employees.

(2) The directors may, with the previous sanction of the Central Government, cancel or vary, either unconditionally or subject to such conditons as they think fit to impose, any contract or agreement entered into between the railway company and any other person at any time before the issue of the notified order under section 3, if the directors are satisfied that such contract or agreement is detrimental to the interests of the railway company.

6. *Statement of affairs to be made to directors.*—(1) On the issue of a notified order under section 3, there shall be made out and submitted to the directors a statement as to the affairs of the railway company, verified by affidavit and containing the following particulars, namely :—

(a) the assets of the railway company, stating separately the cash balance in hand and at the bank, if any ;

(b) the debts and liabilities ;

(c) the names, residences and occupations of the directors and managing agents, stating separately the amount of secured debts and unsecured debts and, in the case of secured debts, the particulars of the securities, their value and the dates when they were given ;

(d) the debts due to the railway company and the names, residences and occupations of the persons from whom they are due and the amount likely to be realised therefrom ;

(e) such other particulars as may be prescribed.

(2) The statement shall be submitted by one or more of the persons holding office as directors of the railway company immediately before the issue of the notified order under section 3 or by the secretray, manager or other chief officer of the railway company holding office as such before the issue of the notified order as the directors may require in each case, and the statement shall be submitted within such time as may be so required.

(3) If any person, without any reasonable excuse, knowingly and

wilfully makes default in complying with the requirements of this section, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

7. *Statements by beneficial owners of shares of railway company.*—Any person who has any interest in any share of the railway company which stands in the name of another person in the register of shareholders of the railway company shall, within such period as may be specified by the Central Government by notified order, make a declaration in such form as may be prescribed (which shall be countersigned by the person in whose name the share is registered) to the railway company declaring his interest in the share, and notwithstanding anything contained in any other law or in any contract to the contrary, a person who fails to make a declaration as aforesaid in respect of any share shall be deemed to have no right or title whatsoever in or to that share :

Provided that nothing in this section shall affect the right of any person who has an interest in any such share to establish in a court his right thereto if the person in whose name the share is registered refuses to sign that declaration as required by this section.

8. *Power of directors to institute proceedings against past directors, etc., for damages.*—(1) The directors may, if they are satisfied that it is necessary in the interest of the railway company or in the public interest so to do, institute in the name of the railway company such proceedings as they think fit for the recovery of damages for any fraud, misfeasance or other misconduct in connection with the management of the affairs of the railway company committed by any person before the issue of the notified order under section 3 or for the recovery of any property of the railway company which has been misapplied or wrongfully retained by any person.

(2) No director shall be personally liable for any costs or expenses incurred in connection with any proceedings instituted by virtue of this section.

9. *Penalties.*—If any person wilfully destroys or fails to deliver to the directors when required any books of account, registers or any other documents in his custody relating to the business of the railway company or retains any property of the railway company, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

10. *Filling up of vacancies among directors.*—(1) Casual vacancies occurring in the body of directors, whether caused by death, resignation or otherwise, shall be filled by nomination by the Central Government.

(2) No act of the directors shall be called in question on the ground merely of the existence of any vacancy among the directors or any defect in the appointment of any of them.

11. *No right to compensation for termination of contract of managing agent or any other contract.*—(1) Notwithstanding anything contained in the Companies Act or in any other law for the time being in force, no managing agent shall be entitled to any compensation for the premature termination under this Ordinance of any contract of management entered into by him with the railway company, and no person shall be entitled to compensation in respect of the cancellation or variation under this Ordinance of any other contract or agreement.

(2) Nothing contained in sub-section (1) shall affect the right of any

such managing agent or person to recover from the railway company moneys recoverable otherwise than by way of such compensation.

12. *Cancellation of appointment of directors.*—(1) If at any time it appears to the Central Government that the purposes of the notified order appointing the directors has been fulfilled or that for any other reason it is unnecessary that the notified order should remain in force, the Central Government may, by notified order, cancel the appointment of directors made under this Ordinance.

(2) On the cancellation of any such appointment as is referred to in sub-section (1), the Central Government may—

(a) direct that all the property, effects and actionable claims of the railway company shall revest in the persons in whom they were vested before the issue of the notified order under section 3 ; or

(b) reconstitute by fresh appointment a new body of persons to take charge of the management and administration of the whole affairs of the railway company ; whether as directors or managers or in any other capacity :

Provided that no such fresh appointment shall be made except in pursuance of a resolution passed by the shareholders of the railway company at a meeting called for the purpose by the directors appointed under section 3.

(3) The Central Government may, at any time before the issue of the notified order under sub-section (1), take such action as may be necessary under clause (b) of sub-section (2) for the purpose of making any fresh appointments.

13. *Application of the Companies Act.*—(1) Notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the railway company, but subject to the other provisions contained in this Ordinance,—

(a) it shall not be lawful for the shareholders of the railway company or any other person to nominate or appoint any person to be a director of the railway company ;

(b) no resolution passed at any meeting of the shareholders of the railway company shall be given effect to unless approved by the Central Government ;

(c) no proceeding for the winding-up of the railway company or for the appointment of a receiver in respect thereof shall lie in any court, unless by or with the sanction of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions contained in this Ordinance and subject to such exceptions, restrictions and limitations as the Central Government may by notified order specify, the Companies Act shall continue to apply to the railway company in the same manner as it applied thereto before the issue of the notified order under section 3.

14. *Effect of Ordinance on other laws.*—The provisions of this Ordinance and of any notified order made thereunder shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in the memorandum or articles of association of the railway company or in any other instrument having effect by virtue of any law other than this Ordinance, but save as aforesaid the provisions of this Ordinance shall be in addition to, and not in derogation of, any other law for the time being applicable to the railway company.

15. *Directors to be public servants.*—Every director appointed under section 3 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

16. *Delegation of powers.*—The Central Government may, by notified order, direct that all or any of the powers exercisable by it under this Ordinance, except the powers given to it under section 3 to apply the provisions of this Ordinance to any railway company, or the powers given to it under section 12 or section 18 may be exercised by any State Government, and where any powers are so delegated, they shall be exercised subject to such directions as the Central Government may issue from time to time.

17. *Protection of action taken under Ordinance.*—(1) No suit, prosecution or other legal proceeding shall lie against any director in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance.

(2) No suit or other legal proceeding shall lie against the Central Government or any State Government or any director for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Ordinance.

18. *Power of Central Government to acquire railway of railway company.*—(1) Where under any instrument, having effect by virtue of any law other than this Ordinance or by virtue of an agreement arrived at between the parties, provision is made for the purchase by a person or local authority or the State Government of a railway which is the property of a railway company on payment of the value thereof calculated in the manner and subject to the conditions specified in the instrument, the Central Government shall also have the same right to purchase the railway on the same terms and subject to the same conditions as the person, local authority or the State Government has under the instrument.

(2) If in respect of any railway the Central Government exercises its right of purchase under this section, any person, local authority or State Government, in whom or in which a similar right is vested under the instrument, shall be deemed to have become disentitled to exercise the same.

19. *Power to make rules.*—(1) The Central Government may, by notified order, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, any rules made under sub-section (1) may provide for—

(a) the the manner in which or the conditions subject to which the directors or managing agents of a railway company may exercise their powers under this Ordinance ;

(b) the additional particulars which a statement under section 6 should contain ;

(c) the form in which a declaration under section 7 may be made ;

(d) the manner in which books of account shall be maintained by the directors and audited ;

(e) the submission of specified or periodical returns and reports by the directors to any specified authority in connection with the affairs of the railway company.

RAJENDRA PRASAD,
President.

Published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 21st July 1951.

The Indian Companies (Amendment) Ordinance, 1951.

No. III of 1951.

An Ordinance further to amend the Indian Companies Act, 1913.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Indian Companies (Amendment) Ordinance, 1951.

(2) It shall come into force at once.

2. *Insertion of new section 86J in Act VII of 1913.*—After section 86I of the Indian Companies Act, 1913 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"86J. *Restrictions on amendment of articles relating to appointment of directors.*—In the case of a company not being a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with, the company relating to the appointment or election of a managing director or a director not liable to retire by rotation shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void unless approved by the Central Government."

3. *Insertion of new section 87AA in Act VII of 1913.*—After section 87A of the principal Act, the following section shall be inserted, namely:—

"87AA. *Restrictions on extension of term of office of managing agents.*—In the case of a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with, the company which purports to extend, or has the effect of extending, the term of office of a managing agent holding office as such at the commencement of this Ordinance shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void unless approved by the Central Goverument."

4. *Amendment of section 87B, Act VII of 1913.*—For clause (c) of section 87B of the principal Act, the following clause shall be substituted, namely :—

"(c) a transfer of his office by a managing agent shall be void, unless approved by the company in general meeting and also by the Central Government ;"

5. *Insertion of new section 87BB in Act VII of 1913.*—After section 87B of the principal Act, the following section shall be inserted, namely:—

"87BB. *Restrictions on change in the constitution of a managing agent.*—In the case of a company managed by a managing agent which is a firm or a company, no change in the constitution of the managing agent, whether the change is caused by a change in the ownership of the shares held therein or by a change among the partners or board of directors or managers thereof, shall have effect unless approved by the Central Government, and until such approval is obtained, no such firm or company shall be entitled to be the managing agent of the company.

Explanation.—A change in the ownership of shares in a managing agent which is a company caused by the death of any shareholder therein,

or a change among the partners of a managing agent which is a firm, or a change in the board of directors or managers of a managing agent which is a company, caused by the death, or retirement by efflux of time, of a partner, director or manager, as the case may be, shall not be deemed to be a change in the constitution of a managing agent within the meaning of this section."

6. *Insertion of new section 87CC in Act VII of 1913.*—After section 87C of the principal Act, the following section shall be inserted, namely:—

"87CC. *Restrictions on amendment of articles or agreement relating to appointment or remuneration of managing agents, etc.*—In the case of a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with, the company—

(a) which relates to the appointment of the managing agent, or

(b) which purports to increase, or has the effect of increasing, the remuneration of the managing agent, managing director or a director not liable to retire by rotation, as the case may be,

shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void, unless approved by the Central Government :

Provided that nothing herein contained shall apply to the remuneration payable to a director for attending the meetings of the board of directors of which he is a member.".

7. *Insertion of new sections 153C and 153D in Act VII of 1913.*—In Part IV of the principal Act, before section 154 the following heading and sections shall be inserted, namely :

Alternative remedy to winding up in cases of mismanagement or oppression.

153C. *Power of court to act when company acts in a prejudicial manner or oppresses any of its members* —(1) Without prejudice to any other action that may be taken, whether in pursuance of this Act or any other law for the time being in force, any member of a company who complains that the affairs of the company are being conducted –

(a) in a manner prejudicial to the interests of the company, or

(b) in a manner oppressive to some part of the members (including himself)

may make an application to the court for an order under this section.

(2) No application under sub-section (1) shall be made by any member, unless—

(a) in the case of a company having a share capital, the member complaining –

(i) has obtained the consent of not less than one hundred in number of the members of the company or not less than one-tenth in number of the members whichever is less, or

(ii) holds not less than one-tenth of the issued share capital of the company upon which all calls and other sums due have been paid ; and

(b) in the case of a company not having a share capital the member complaining has obtained the consent of not less than one-fifth in number of the members,

and the provisions of rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), shall apply to any such application as it applies to any suit within the meaning of that rule.

(3) If on any such application the court is of opinion –

(a) that the company's affairs are being conducted as aforesaid, and

(b) that to wind up the company would unfairly and materially pre-

judice the interests of the company or any of its member, but otherwise, the facts would justify the making of a winding-up order on the ground that it is just and equitable that the company should be wound up, the court may, with a view to bringing to an end the matters complained of, make such order in relation thereto as it thinks fit.

(4) Without prejudice to the generality of the powers vested in a court under sub-section (3), any order made under that sub-section may provide for—

(a) the regulation of the conduct of the company's affairs in future;

(b) the purchase of the shares or interests of any members of the company by other members thereof or by the company;

(c) in the case of a purchase of shares or interests by the company being a company having a share capital, for the reduction accordingly of the company's capital or otherwise;

(d) for the termination of any agreement, howsoever arrived at, between the company and its managing agent, managing director or any of its other directors.

(5) Where an order under this section makes any alteration in, or addition to, the memorandum or articles of any company, then notwithstanding anything contained in any other provision of this Act, but subject to the provisions of the order, the company concerned shall not have power without the leave of the court to make any further alteration in or addition to the memorandum or articles inconsistent with the provisions of the order, but subject to the foregoing provisions of this sub section the alterations or additions made by the order shall have the same effect as if duly made by a resolution of the company, and the provisions of this Act shall apply to the memorandum or articles as so altered or added to accordingly.

(6) A certified copy of every order under this section altering or adding to or giving leave to alter or add to, the memorandum or articles of any company shall, within fifteen days after the making thereof, be delivered by the company to the registrar for registration, and if a company makes default in complying with the provisions of this sub-section, the company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees.

(7) It shall be lawful for the court, upon the application of any petitioner or of any respondent to a petition under this section and upon such terms as to the court appears just and equitable, to make any such interim order as it thinks fit for regulating the conduct of the affairs of the company pending the making of a final order in relation to the application.

(8) In any case in which the court makes an order terminating any agreement between the company and its managing agent or managing director or any of its other directors, as the case may be, the court may, if it appears to it that the managing agent, managing director or other director as the case may be, has misapplied or retained or become liable or accountable for any money or property of the company or has been guilty of any misfeasance or breach of trust in relation to the company, award by way of damages against the managing agent, managing director or other director such sum as it thinks fit, and the provisions of sections 235 and 236 of this Act shall apply as if the company were in the course of being wound up and proceedings under section 235 had been commenced by a contributory within the time limited by that section.

Explanation.—For the purposes of this section, any material change

after the commencement of the Indian Companies (Amendment) Ordinance, 1951, in the control of a company, or in the case of a company having a managing agent in the composition of the managing agent which is a firm or in the control of the managing agent which is a company may be deemed by the court to be a fact which would justify the making of a winding-up order on the ground that it would be just and equitable that the company should be wound up :

Provided that the court is satisfied that by reason of the change the interests of the company or any of its members are or are likely to be unfairly and materially prejudiced.

153D. *Effect of termination of managing agency agreement, etc.*—(1) Where an agreement between a company and its managing agent, managing director or other director, as the case may be, is terminated by virtue of an order made under sub-section (8) of section 153C—

(a) the order shall not give rise to any claim on the part of the managing agent, managing director or other director, as the case may be, for damages or for compensation for loss of office or otherwise, whether the claim is made in pursuance of the agreement or otherwise, and

(b) no managing agent, managing director or other director or any associate of such managing agent shall, without the leave of the Court, be appointed or reappointed or be entitled to act as the managing agent, managing director or director or manager of the company for a period of five years from the date of the order.

(2) If any person acts as the managing agent or manager of a company in contravention of the provisions of this section, such person, and in the case of a company each of its directors, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.

(3) No court shall grant leave under this section unless notice of the intention to apply for such leave has been served on the Central Government in the manner specified in section 80 of the Code of Civil Procedure, 1908 (Act V of 1908) in respect of suits against the Government.

Explanation.—In this section, the expression "associate of a managing agent" means—

(a) any firm of which the managing agent is a partner ;

(b) any partner of the managing agent ;

(c) any private company, of which the managing agent is a member, director, managing agent or manager ; and

(d) in the case of a managing agent which is a company, any subsidiary company of the managing agent and any director, managing agent or manager of the managing agent or any subsidiary company of the managing agent."

8. *Insertion of new section 289B in Act VII of 1913.*—After section 289A of the principal Act, the following section shall be inserted, namely :—

"289. *Power of Central Government to appoint advisory commission and to make rules in respect of certain matters.*—(1) For the purpose of advising it in the exercise of its powers under section 86J, section 87AA, clause (c) of section 87B, section 87BB or section 87CC, the Central Government may constitute a commission consisting of not more than three persons with suitable qualifications and appoint one of them to be the chairman thereof.

(2) It shall be the duty of the commission to inquire into and advice

the Central Government on all applications for approval made to the Central Government under any of the sections referred to in sub-section (1).

(3) Every application for approval made to the Central Government under any of the sections referred to in sub-section (1) shall be in such form as may be prescribed.

(4) For the purpose of making any inquiry under this section the commission may—

(a) require the production before it of any books or other documents in the possession of the company relating to any matter under inquiry ;

(b) call for any further information or explanation if the commission is of opinion that such information or explanation is necessary in order that the books or other documents produced before it may afford full particulars of the matter to which they purport to relate ;

(c) with such assistants as it thinks necessary, inspect any books or other documents so produced and make copies thereof or take extracts therefrom ;

(d) examine on oath a managing director or any other officer of the company relating to any matter under inquiry and administer an oath accordingly to the person for the purpose.

(5) If any person refuses or neglects to produce any book or other document in his possession or custody which he is required to produce under this section or to answer any question put to him relating to any matter under inquiry, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

(6) No suit or other legal proceeding shall lie against the Central Government, the commission or any member of the commission in respect of anything which is in good faith done or intended to be done in pursuance of this section or the sections referred to in sub-section (1) or of any rules or orders made thereunder."

RAJENDRA PRASAD,
President.

Published in the *Gazette of India*, Extraordinary, Part II-Section 1, dated the 3rd August 1951.

The Punjab Requisitioning of Immovable Property (Amendment and Validation) Ordinance, 1951.

No. IV of 1951.

An Ordinance further to amend the East Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1948, and to provide for the validation of certain requisitions and acquisitions.

WHEREAS the President has assumed to himself all the powers of the Governor of the State of Punjab in pursuance of his Proclamation issued on the 20th day of June, 1951 ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be

called the Punjab Requisitioning of Immovable Property (Amendment and Validation) Ordinance, 1951.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance,—

(a) "Repealed Act" means the Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1947 (Punjab Act XVII of 1947) ; and

(b) "Requisitioning Act" means the East Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1948 (East Punjab Act XLVIII of 1948).

3. *Amendment of sections 2 and 3, East Punjab Act XLVIII of 1948.*—In the Requisitioning Act,—

(a) in sub-section (1) of section 2, after the words "requisition any immovable property" the words "for a public purpose" shall be, and shall be deemed always to have been, inserted ; and

(b) in sub section (1) of section 3, after the words "acquire such property" the words "for a public purpose" shall be, and shall be deemed always to have been, inserted.

4. *Validation of requisitions and acquisitions made before commencement of Ordinance.*—Every requisition or acquisition of immovable property purporting to have been made before the commencement of this Ordinance under sub-section (1) of section 2 or sub-section (1) of section 3 of the Requisitioning Act or the Repealed Act, shall, unless the contrary is proved, be presumed to have been made for a public purpose, and notwithstanding any judgment, decree or order of any court, every such requisition or acquisition shall be deemed to have been duly made under the Requisitioning Act as if on the day on which the requisition or acquisition was made the Requisitioning Act as amended by this Ordinance were in force in the State.

5. *Restoration of proceedings.*—Where, in any proceeding concluded before the commencement of this Ordinance, any requisition or acquisition under the Repealed Act or the Requisitioning Act has been found to be invalid on the ground that the Act under which the requisition or acquisition was made, did not contain a specific provision that the requisition or acquisition should be for a public purpose, such finding shall be void and of no effect ; and the court shall, notwithstanding anything to the contrary contained in the Indian Limitation Act, 1908 (IX of 1908) or in any other law for the time being in force, on application made within three months from the commencement of this Ordinance by any party prejudicially affected by such finding, restore the proceeding at and continue it from the stage reached immediately before the order embodying or based on such finding was made.

Published in *Gazette of India*, Extraordinary, Pt. II-Sec. 1, dated 3rd August 1951.

The East Punjab Public Safety (Amendment) Ordinance, 1951. No V of 1951.

An Ordinance to amend the East Punjab Public Safety Act, 1949.

WHEREAS the President has assumed to himself all the powers of the Governor of the State of Punjab in pursuance of his Proclamation issued on the 20th day of June, 1951 ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution and of all other powers enabling him

in this behalf, the President is pleased to promulgate the following Ordinance :—

1. *Short title.*—This Ordinance may be called the East Punjab Public Safety (Amendment) Ordinance, 1951.

2. *Amendment of section 1, East Punjab Act V of 1949.*—In sub-section (3) of section 1 of the East Punjab Public Safety Act, 1949, for the word "August" the word "September" shall be substituted.

Published in the *Gazette of India*, Extraordinary, Pt. II-Sec. 1, dated 20th October, 1951.

The Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951.

No. VI of 1951

An Ordinance to render ineffective certain decrees and orders passed by courts in Pakistan against a Government in India and to provide an alternative remedy to persons who have secured such decrees or orders.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1 *Short title.*—This Ordinance may be called the Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951.

2. *Definition.*—In this Ordinance the expression "decree to which this Ordinance applies" means any such judgment, decree or order as is referred to in—

(i) clause (3) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or

(ii) paragraph (5) or paragraph (6) of article 13 of the High Courts (Bengal) Order, 1947, or

(iii) paragraph (4) or paragraph (6) of the High Courts (Punjab) Order, 1947,

which has been passed by a court in Pakistan and which imposes any liability or obligation on a Government in India

3 *Certain Pakistan decrees not to be given effect to in India.*—Notwithstanding anything contained in any of the Orders referred to in section 2, no decree to which this Ordinance applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government in India.

4 *Right of holder of a decree to which this Ordinance applies to institute fresh proceedings in India.*—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), any person in whose favour a decree to which this Ordinance applies has been passed may, within one year from the commencement of this Ordinance, institute a fresh suit or other legal proceeding in respect of the cause of action on which such decree was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law or in any agreement to the contrary relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

Published in the *Gazette of India*, Extraordinary, Pt II-Sec. 1, dated 30th October, 1951.

The Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1951.

No VII of 1951

An Ordinance to amend the Abducted Persons (Recovery and Restoration) Act, 1949.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1 *Short title and commencement.*—(1) This Ordinance may be called the Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1951.

(2) It shall come into force at once.

2 *Amendment of section 1, Act LXV of 1949.*—In section 1 of the Abducted Persons (Recovery and Restoration) Act, 1949, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) It extends to the States of Punjab, Uttar Pradesh, Patiala and East Punjab States Union, Rajasthan and Delhi and shall remain in force up to the 31st day of October, 1952."

PART V

BOMBAY ACTS

The Bombay Merged Areas, Enclaves and Specified Areas (Amendment of Laws) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 4th May 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 10th May 1950.

Bombay Act No. XXII of 1950.

An Act to amend the Bombay Agricultural Debtors Relief Act, 1947, in its application to certain areas and the Bombay Merged Areas (Amendment of Laws) Act, 1949.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), in its application to the areas included in and forming part of the State of Bombay under the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, and to amend the Bombay Merged Areas (Amendment of Laws) Act, 1949 (Bom. XXX of 1949), for the purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. *Short title.*—This Act may be called the Bombay Merged Areas, Enclaves and specified Areas (Amendment of Laws) Act, 1950.

CHAPTER II

Amendment of Bombay Act No. XXVIII of 1947.

2. *Definitions.*—In this Chapter, unless there is anything repugnant in the subject or context,—

(1) "enclave" means any of the areas specified in Schedule I appended to this Act :

(2) "specified area" means any of the areas specified in Schedule II appended to this Act.

3. *Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to enclaves and specified areas.*—Notwithstanding anything contained in the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), shall, in its application to the areas specified in Schedules I and II appended to this Act, be subject to the following modifications :—

In the said Act—

(1) in section 2,—

(a) for clause (2) the following shall be substituted, namely :—

"(2) 'co-operative society' shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), in force in any of the enclaves or specified areas, as the case may be, or a society registered under the said Act ;"

(b) in clause (5),—

(i) for the figures, letters and word "30th January 1940", wherever they occur, the figures, letters and word "25th January 1950" shall be substituted ;

(ii) for the words "the date of the coming into operation of this Act

or of the establishment of the Board concerned under the repealed Act" wherever they occur, the words, figures and letters "25th day of January 1950" shall be substituted ;

(2) in section 4, for sub-section (1) the following sub-section shall be substituted, namely :—

"(1) Any debtor ordinarily residing in any local area or his creditor may make an application before the 31st October 1950 to the Court for the adjustment of his debts" ;

(3) in section 7, for the figures, letters and word "1st January 1938" the figures, letters and word "25th January 1950" shall be substituted ;

(4) in section 22, the following proviso shall be added at the end, namely :—

"Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in any of the enclaves or specified areas, as the case may be, relating to the conciliation or adjustment of the debts of agriculturists corresponding to this Act, the amount so determined shall be binding on the parties." ;

(5) in section 23, in the proviso, after the figures "1879" the words "or any enactment corresponding thereto" shall be inserted ;

(6) in section 24, in sub-section (2), for the figures, letters and word "1st August 1947" the figures, letters and word "31st October 1950" shall be substituted ;

(7) in section 25,—

(a) in clause (i), the words and figures "or by a Board established under section 4 of the repealed Act" shall be deleted ;

(b) in clause (ii) for the figures, letters and words "15th day of February 1939" the figures, letters and word "25th January 1950" shall be substituted ;

(8) in section 32, in sub-section (2),—

(a) for clause (c), the following clause shall be substituted, namely :—

"(c) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance," ;

(b) in the Explanation, the words "under the repealed Act" and the words "under this Act" shall be deleted ;

(9) in section 56, in sub-section (1),—

(a) for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879 (XVII of 1879), by the Bombay Agricultural Debtors Relief Act, 1939 (XXVIII of 1939), the first mentioned Act" the words and figures "any enactment corresponding to the Dekkhan Agriculturists Relief Act, 1879 (XVII of 1879), in force in any of the enclaves or specified areas, as the case may be, such enactment" shall be substituted;

(b) the words and brackets "with effect from the date of the coming into operation of this Act (hereafter in this section referred to as the said date)" shall be deleted ;

(c) for the words "for a period of three years from the said date" the words, figures and letters "up to the 25th day of January 1953" shall be substituted ;

(d) for the first proviso, the following proviso shall be substituted ;

"Provided that any proceeding in or out of any suit instituted on or before the 25th day of January 1953 shall be continued and disposed of

after the said date as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date".

CHAPTER III.

Amendment of Bombay Act XXX of 1949.

4. *Amendment of Bom. XXX of 1949.*—In the Bombay Merged Areas (Amendment of Laws) Act, 1949 (Bom. XXX of 1949)—

(1) in clause (1) of section 2—

(a) for the words and figures "Parts I and II" the words and figures "Parts I, II and III" shall be substituted;

(b) after the word and figures "Order, 1948" the words, brackets and figures "or the Bombay (Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948" shall be inserted.

(2) After section 3 the following new section shall be inserted, namely:—

"3A. *Further amendments of Bombay Agricutulral Debtors Relief Act, 1947, in its application to merged areas.*— In the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), as modified in its application to the merged areas specified in Parts II and III of the Schedule by Government Order in the Revenue Department No. 5771/45 (*a*), dated the 9th December, 1948, the following amendments shall be made, namely:—

(i) In sub-section (*1*) of section 4, for the words, letters and figures "before the 15th June 1949", the words, letters and figures "on or before the 15th June 1949" shall be substituted.

(ii) in sub-section (*2*) of section 24, for the figures, letters and word "15th June 1949", the figures, letters and word "16th June 1949" shall be substituted.

(3) At the end of the Schedule, the following shall be added, namely:—

"Part III.

Bawishi Thana.

1.	Amraji-na-Muada.	11.	Salki.
2.	Harkhji-na-Muada.	12.	Angutnla.
3.	Vatva.	13.	Rakhial.
4.	Bardoli.	14.	Khanpur.
5.	Harsoli.	15.	Lihoda.
6.	Lawad.	16	Kalyanji-na-Muada.
7.	Palundra.	17.	Sahebji-na-Muada.
8.	Dabhoda.	18.	Kadjodra.
9.	Vedodra.	19.	Sametri.
10	Siawada.	20.	Barmuada.

Vatrak Kantha Thana.

21.	Nirmali.	22.	Jehar."

SCHEDULE I.

[*See* section 2 (*1*)].

(A) *Enclaves transferred from Rajasthan to Bombay.*

Mal village of former Jodhpur State.

(B) *Enclaves transferred from Saurashtra to Bombay.*

1. The following villages of former Limbdi State.—Fatepur, Gounjar, Pachham and Ratanpur.

2. Otaria and Sandhida villages of former Bhavnagar State.

3. The following villages of former Lakhtar State.—Jalampur, Kara-

kthal, Kishol (Moti), Kishol (Nani), Rupavati, Wasan and Wasawa.

4. Mithapur and Odki villages of former Dasada State.

5. The following villages of former Jetpur State.—Khijidiya, Pania and Venivadar.

6. The following villages of former Lakhapadar Thana.—Ghadia, Kaner Lakhapadar, Nini-Garmli, Patla and Vaghavdi.

7. Khantadi village of former Eastern Kathiawar States Agency.

(C) *Enclaves transferred from Hyderabad to Bombay.*

1. Belwara village of Patoda Taluka in District Bid.

2. Borgaon village of Osmanabad Taluka in District Osmanabad.

3. The following villages of Parenda Taluka in District Osmanabad.—Shelgaon, Sultanpur, Shirpad Pimpri, Anjangaon, Jamgaon (Byarg), Kevda, Sultanpur, Chavanvadi, Hatkarwadi, Kapsewadi Dhanora, Manegaon, Bujrugwadi, Pachpundwadi, Kairao, Ridhore, Bhawarja (Byarg), Sindri Jagir, Upla village including hamlets of Wangiwadi, Irla and Tawarwadi.

4. Andewadi (J) village in District Gulburga, Kakerbli Madbal, and Dholar villages in Jeevargi Taluq.

5. Bhatnoor and Nagarbetta villages in Taluq Shorapur.

6. Gadesankpur village in Taluq Lingsugur.

7. The following villages in Taluq Khushtagi.—

Mullapur (J), Sarjapur, Santagira, Baleguda, Chigalgundi, Hanamsagar, Kurbanna (J), Itgi (J), Gulguli (J), Mugli.

8. Hiralgundi (J) village in District Raichur.

9. The following villages of Tuljapur Taluka in District Osmanabad.—Raulgaon, Astha Pophali, Virwad Khurd, Shivni, Karamba (J), Warlegaon, Chikhelli (J), Yellamwadi, Pawarwadi, Bopla, Yekoda, Mangoli, Baborwadi, Waloja, Degaon, Sasoora, Ghorbadi, Daksal, Mansi, Bhagachiwadi, Kowtali, Saklewadi, Kahman, Maslachowadnari, Pudshli, Wangi, Ichgaon, Khaneshwar, Bhoir, Ranmasla, Dharpal, Nanaj, Mohtechiwadi, Gharilachiwadi.

10. The following villages of Ashti Taluka in District Bid.—Kavadgaon, Hasnabad, Girwalli, Pimpalkhed, Chadi, Aghi, Khamgaon, Dhanora, Fakhirabad, Halgaon, Nanaj, Wagb, Javalki, Dhanegaon, Jawla, Targaon, Balegaon, Rodagaon, Borgaon, Dimeshwar.

Note.—'J' shown against a village indicates Jahagir.

SCHEDULE II.

[*See* section 2 (2)]

Areas of the former Sirohi State merged in the State of Bombay.

1. Abu Road.
2. Kesarganj.
3. Akra.
4. Manpur.
5. Santpur.
6. Ganka.
7. Khadat.
8. Umrani.
9. Kui.
10. Siawa.
11. Sangna.
12. Pandurl.
13. Maval
14. Redwa Mota.
15. Dona Kakar.
16. Dan Vav.
17. Mudarla.
18. Kiyara.
19. Kiyariya.
20. Khara.
21. Bhasa Sen.
22. Amba.
23. Mungthala.
24. Mirgarh.
25. Adaliya.
26. Aval.
27. Chandela.
28. Girwar.
29. Bageri.
30. Redwa Chhota.
31. Behadurpura.
32. Chanar.
33. Talvarankanaka.
34. Ambaveri.
35. Mahikheda.
36. Fatehpura.

37. Chotila.
38. Rokhuda.
39. Muliya Mahadeo.
40. Forest Chotila.
41. Chandravati.
42. Upli Bor.
43. Upla Garh.
44. Upla Khejira.
45. Kiyariya.
46. Tokiya.
47. Dori.
48. Jambudi.
49. Jayadara.
50 Taleti.
51 Dotra.
52. Nichala Garh.
53. Nichli Bor.
54. Nichala Khejira.
55. Pava.
56. Buja.
57. Bori Buj.
58. Bosa.
59. Dhamariya.
60. Meh.
61. Ranora.
62. Rada.
63. Surpagala.
64. Amthala.
65. Od.
66. Karoli.
67. Kivarli.
68. Tunka.
69. Derna.
70. Tartoli
71 Vasada.
72. Morthala.
73. Deldar (Jagir).
74. Deldar (Devasthan).
75. Arna.
76. Oria.
77 Govagam.
78 Javal.
79. Dhundhai.
80. Torna.
81. Dilwara.
82. Salagam.
83. Achalgadh.
84. Masgam.
85. Sanigam.
86. Hetamji.
87. Block No. 4 (excluding all that portion to the west of a line drawn from western boundaries of Badagpura, Fatehpura, Maliakhera to south-west point of Block No. 13 and village Masgam).
88. Portion of Block No. 2 on south of the Abu Road.
89. Utraj Village Survey Nos. 771 to 785.

The Bombay Matrimonial (Transfer of Cases) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the President on the 22nd May 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 27th May, 1950.

Bombay Act No. XXVI of 1950.

An Act to provide for transfer of matrimonial cases to subordinate courts in the State of Bombay.

WHEREAS it is expedient to provide for transfer of matrimonial cases to certain subordinate courts in the State of Bombay, it is hereby enacted as follows :—

1. *Short title.*— This Act may be called the Bombay Matrimonial (Transfer of Cases) Act, 1950.

2. *Amendment of section 3 of Bom. XL of 1948.*— In section 3 of the Bombay City Civil Court Act, 1948 (Bom. XL of 1948), hereinafter called the said Act, in the proviso, for the words, brackets and letters "of the nature specified in clauses (*a*) and (*b*)" the following shall be substituted, namely :—

"which are cognizable by the High Court as a court having testamentary or intestate jurisdiction or for the relief of insolvent debtors."

3. *Insertion of new section 4A in Bom. XL of 1948.*— After section 4 of the said Act, the following section shall be inserted, namely :—

"4A. *Power of High Court to transfer matrimonial cases to City Court.*— (1) Notwithstanding anything contained in any law for the time being in force, the High Court may at any stage transfer to the City Court any suit or proceeding which is cognizable by it as a Court having matrimonial jurisdiction and instituted in such court.

(2) Any suit or proceeding so transferred shall be heard and disposed of by the City Court and the City Court shall have all the powers and jurisdiction in respect thereof as if it had been originally instituted in that Court.

(3) In any such suit or proceeding institution fees shall be paid, credit being given to any court fee levied in the High Court, and costs incurred in the High Court till the date of transfer shall be assessed by the City Court in such manner as the Provincial Government may, after consultation with the High Court, determine by rules".

4. *Insertion of new section 5A in Bom. XXII of 1947.*—After section 5 of the Bombay Hindu Divorce Act, 1947 (Bom. XXII of 1947), the following section shall be inserted, namely :—

"5A. *Power to transfer to subordinate Court.*—(1) Any suit or proceeding instituted under this Act in the Court of the District Judge, may be transferred by such Court to the Court of an Assistant or a Civil Judge in the District.

(2) Any suit or proceeding so transferred shall be heard and disposed of by the Court of the Assistant or Civil Judge, as the case may be, to which it is transferred and such Court shall have all the powers and jurisdiction in respect thereof, as if it had been originally instituted in that Court".

The Land Acquisition (Bombay Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the President on the 15th June 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 21st June 1950.

Bombay Act No. XXVII of 1950.

An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Land Acquisition Act, 1894 (I of 1894), in its application to the State of Bombay for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Land Acquisition (Bombay Amendment) Act, 1950.

2. *Amendment of section 3 of Act I of 1894.*—In section 3 of the Land Acquisition Act, 1894 (I of 1894), after clause (*a*) the following new clause shall be inserted, namely :—

"(aa) the expression "arable land" includes "garden land".

The Bombay Essential Commodities and Cattle (Control) (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the President on the 29th September 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 29th September, 1950.

Bombay Act No. XXX of 1950.

An Act to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946.

WHEREAS it is expedient to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946), for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Essential Commodities and Cattle (Control) (Amendment) Act, 1950.

2. *Amendment of section 1 of Bom. XXII of 1946.*—In sub-section (4) of section 1 of the Bombay Essential Commodities and Cattle (Control)

Act, 1946 (Bom. XXII of 1946), for the word "four" the word "six" shall be substituted.

The Bombay Land Revenue Code (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 31st October 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th November 1950.

Bombay Act No. XXXIII of 1950.

An Act to amend the Bombay Land Revenue Code, 1879.

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879 (Bom. V of 1879), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Land Revenue Code (Amendment) Act, 1950.

2 *Amendment of section 7 of Bom. V of 1879.*—In section 7 of the Bombay Land Revenue Code, 1879 (Bom V of 1879) (hereinafter called the said Act), the following shall be added at the end, namely :—

"And each such mahal shall consist of such villages as may from time to time be prescribed by a duly published order of the State Government."

3 *Insertion of new section 7A in Bom V of 1879.*—After section 7 of the said Act, the following new section shall be inserted, namely :—

"7A *Power of State Government to alter limits of, or to amalgamate or constitute, villages* —The State Government may from time to time by a duly published order alter or add to the limits of any village or amalgamate two or more villages or constitute a new village"

The Bombay District Police (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 31st October 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th November 1950.

Bombay Act No XXXIV of 1950.

An Act to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890.

WHEREAS it is expedient to amend the Cattle-trespass Act, 1871 (I of 1871), in its application to the State of Bombay and the Bombay District Police Act, 1890 (Bom. IV of 1890), for the purposes hereinafter appearing : It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Cattle-trespass and Bombay District Police (Amendment) Act, 1950.

2. *Amendment of sections 10, 12 and 26 of, and insertion of new section 28A in, Act I of 1871.*—In the Cattle-trespass Act, 1871 (I of 1871),—

(1) In section 10, after the words "or any part thereof" the following shall be inserted, namely :—

"or a watch and ward appointed by a panchayat established under the Bombay Village Panchayats Act, 1933 (Bom VI of 1933), or any person authorised by the State Government in this behalf, either by name or by virtue of office,";

(2) in section 12,—

(a) the words "head of" shall be deleted :

(b) for the words "Different scales may be prescribed for different local areas" the following shall be substituted, namely :—

"Progressively increasing scales may be prescribed in respect of cattle

belonging to or kept by the same person according to the number of cattle impounded at a time and the number of times such cattle are impounded and different scales may be prescribed for different local areas." ;

(3) in section 26,—

(a) the first paragraph shall be numbered as sub-section (1) of that section ;

(b) after sub-section (1) so numbered, the following sub-sections shall be inserted, namely :—

"(2) The Magistrate trying the offence under sub-section (1) may order,—

(a) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence ;

(b) that the pigs in respect of which the offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it was a fine imposed under this section." ;

(c) the second paragraph shall be numbered as sub-section (4) of that section and in sub-section (4) so numbered the words "the foregoing portion of" shall be deleted ;

(4) after section 28, the following section shall be inserted, namely :—

"28A. *Offence under section 26 to be cognizable.*—The offence under section 26 shall be cognizable."

3. *Amendment of section 61A of, and insertion of new section 73A in, Bom. IV of 1890.*—In the Bombay District Police Act, 1890 (Bom. IV of 1890),—

(1) in section 61A,—

(a) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) The Magistrate trying the offence under sub-section (2) may order,—

(a) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence ,

(b) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government," ;

(b) after sub-section (4), the following sub-section shall be added, namely :—

"(5) Any compensation awarded under sub-section (2A) may be recovered as if it was a fine imposed under this section." ;

(2) after section 73, the following section shall be inserted, namely :—

"73A. *Offence under section 61A to be cognizable.*—The offence under section 61A shall be cognizable." ;

The Bombay Live-stock Improvement (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 31st October 1950 and was published in the *Bombay*

Government Gazette, Part IV, dated the 6th November 1950.

Bombay Act No. XXXV of 1950.

An Act to amend the Bombay Live-stock Improvement Act, 1933.

WHEREAS it is expedient to amend the Bombay Live-stock Improvement Act, 1933 (Bom. XXII of 1933), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Live-stock Improvement (Amendment) Act, 1950.

2. *Amendment of section 2 of Bom. XXII of 1933.*—In section 2 of the Bombay Live-stock Improvement Act, 1933 (Bom. XXII of 1933) (hereinafter called the said Act), in clause (b),—

(1) in sub-clause (i), for the words "the Director of Agriculture" the words "the officer empowered in this behalf by the State Government", and

(2) in sub-clause (ii) for the words "the Director of Agriculture" the words "such officer",

shall be substituted.

3. *Amendment of section 3 of Bom. XXII of 1933.*—Clause (2) of section 3 of the said Act shall be deleted

4. *Substitution of new section for section 4 of Bom. XXII of 1933.*—For section 4 of the said Act, the following new section shall be substituted, namely :—

"4. *Live-stock Officer.*—The State Government may, by notification in the *Official Gazette*, appoint any officer to be a live-stock officer and assign to such officer such powers and duties under this Act, as it may deem fit"

5. *Amendment of section 7 of Bom. XXII of 1933.*—Sub-section (5) of section 7 of the said Act shall be deleted.

6 *Amendment of section 11 of Bom. XXII of 1933.*—Sub-section (3) of section 11 of the said Act shall be deleted.

7. *Amendment of section 12 of Bom. XXII of 1933.*—In section 12 of the said Act, in clause (a), for the words "an officer of the Agricultural or Veterinary Department" the words "any other officer" shall be substituted.

8. *Amendment of section 18 of Bom. XXII of 1933.*—In section 18 of the said Act, for the words "agriculture and veterinary" the words "agriculture, animal husbandry and veterinary science or of such other department as the State Government may direct" shall be substituted.

9. *Insertion of new section 24A in Bom. XXII of 1933.*—After section 24 of the said Act, the following new section shall be inserted, namely :—

"24A. *Validation of Acts of Director of Animal Husbandry and Veterinary Science.*—Notwithstanding anything contained in this Act, all things done by or on behalf of the Director of Animal Husbandry and Veterinary Science purporting to act in exercise of the powers conferred on the Director of Agriculture under this Act before the date on which the Bombay Live-stock Improvement (Amendment) Act, 1950 (Bom. XXXV of 1950), came into force, shall be deemed to be and always to have been validly done as required by or under this Act and shall not be deemed to be invalid or called in question merely on the ground that such thing was done by or on behalf of the said Director of Animal Husbandry and Veterinary Science before the said date."

The Bombay Civil Courts (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 21st October 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 6th November, 1950.

Bombay Act No. XXXVI of 1950.

An Act to amend the Bombay Civil Courts Act, 1869.

WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869 (XIV of 1869), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title and commencement* —(1) This Act may be called the Bombay Civil Courts (Amendment) Act, 1950.

(2) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

2. *Amendment of section 28 of Act XIV of 1869.*— In section 28 of the Bombay Civil Courts Act, 1869 (XIV of 1869), for the words "one thousand rupees" the words "one thousand and five hundred rupees" and for the words "three hundred rupees" the words "five hundred rupees" shall be substituted.

The Bombay Agricultural Debtors Relief (Amendment Act, 1950

The following Act of the Bombay Legislature has been assented to by the Governor on the 1st November 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 8th November 1950.

Bombay Act No. XXXVII of 1950.

An Act to amend the Bombay Agricultural Debtors Relief Act, 1947

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title* —This Act may be called the Bombay Agricultural Debtors Relief (Amendment) Act, 1950.

2. *Amendment of section 2 of Bom. XXVIII of 1947* — In section 2 of the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947) (hereinafter called the said Act), after clause (7), the following new clause shall be inserted, namely :—

"(7a) 'merged State bank' means a bank incorporated as such in merged territories and notified by the State Government in the *Official Gazette* for the purposes of this Act as a merged State bank;"

3. *Amendment of section 3 of Bom. XXVIII of 1947.*—In section 3 of the said Act, in clause (v), the word "and" shall be deleted and in clause (vi), the word "and" shall be added at the end and after clause (vi), the following new clause shall be added, namely :—

"(vii) any sum due to a merged State bank."

4. *Amendment of section 26 of Bom. XXVIII of 1947.*— In section 26 of the said Act,—

(a) in sub section (2), for the words "or scheduled bank" the words "scheduled bank or merged State bank" shall be substituted;

(b) in sub-section (3), for the words "or the scheduled bank" the words "the scheduled bank or the merged State bank" shall be substituted;

(c) in sub-section (4), for the words "the co-operative society and the scheduled bank" the words "the co-operative society, the scheduled bank and the merged State bank" shall be substituted and for the words

"or the scheduled bank" the words "the scheduled bank or the merged State bank" shall be substituted.

5. *Amendment of section 32 of Bom. XXVIII of 1947.*—In section 32 of the said Act, in sub-section (2),—

(a) in clause (ii), the following shall be added at the end, namely :—

"unless all the creditors declare in writing that the unsecured debts due may not be charged on any of the properties of the debtor";

(b) in clause (iii), after sub-clause (f) the following new sub-clause shall be inserted, namely :—

"(ff) debts due to merged State banks,"

6. *Amendment of section 33 of Bom. XXVIII of 1947.*—For sub-section (2) of section 33 of the said Act the following shall be substituted, namely :—

"(2) Unless the debtor pays the amount of such debts within a period of one month from the date of the order or such extended period not exceeding one month as the Court may allow and produces the creditor's receipt therefor, the Court shall prepare a scheme embodying the terms of an award to be passed under this section for adjustment of the debts and shall send the scheme to the Primary Land Mortgage Bank situated in the local area and if there is no such Primary Land Mortgage Bank in that local area, to the Bombay Provincial Co-operative Land Mortgage Bank, for acceptance within a period of two months from the date of receipt by it of the scheme. If the Primary Land Mortgage Bank or the Bombay Provincial Co-operative Land Mortgage Bank, as the case may be, agrees to accept the scheme, or does not inform the Court within the period of the said two months that it does not agree to accept the scheme, the Court shall make an award in the prescribed form directing that the Land Mortgage Bank concerned shall pay the creditors in cash the debt as finally scaled down or if the creditors so desire, in bonds issued by the Bombay Provincial Co-operative Land Mortgage Bank, such bonds being guaranteed by the State Government, for such amount in full satisfaction of all the debts due to them from the debtor. The Court shall further direct that such amount shall be charged on all the immovable property of the debtor"

7. *Amendment of section 38 of Bom. XXVIII of 1947* In section 38 of the said Act,—

(a) in sub-section (1), after the words "under this Act" the words "if it is in respect of debts charged on the properties of the debtor" shall be inserted ;

(b) in sub-section (3), the words "so registered" shall be deleted

8. *Amendment of section 40 of Bom. XXVIII of 1947.*—In section 40 of the said Act, for the words "or award under this Act" the words "under this Act or an award registered under this Act" shall be substituted

9 *Amendment of section 46 of Bom. XXVIII of 1947.*—In section 46 of the said Act the following proviso shall be added, namely :—

"Provided that the Court may in a proper case and on such terms as may appear to it to be just, exercise its powers to add or strike out parties under rule 10 of Order I of the said Code in any proceeding pending before it under section 4 or 24, notwithstanding the fact that such addition, or striking out of parties is to be made after the date specified in section 4 or 24, as the case may be, has elapsed."

10. *Amendment of section 46B of Bom. XXVIII of 1947* —In section 46B of the said Act, for the words "It shall be the duty of the Court making an award" the words and figures "Where an award is required to be

registered under section 38, it shall be the duty of the Court making the award" shall be substituted.

11. *Substitution of section 46C by new section.*—For section 46C of the said Act the following new section shall be substituted, namely :—

"46C. *Notice of appeals to Registrars.*—If a party files an appeal against an award under section 43 and if such award has been registered under section 38, it shall be the duty of the Court in which the appeal is filed to send to the Sub-Registrar or the Registrar to whom a certified copy of the award has been sent under section 46B, a notice regarding the institution of the appeal."

12. *Amendment of section 46F of Bom. XXVIII of 1947.*—In section 46F of the said Act, after the words "has been made" the words "and registered" shall be inserted.

13. *Insertion of sections 57 and 58 in Bom. XXVIII of 1947.*—After section 56 of the said Act the following new sections shall be added, namely :—

"57. *Special provision permitting application to court in merged territories within whose jurisdiction property of debtor is situate.*—(1) Notwithstanding anything contained in section 4 of this Act as amended by the provisions of the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), in its application to the merged territories,—

(a) if any debtor was owing debts to a creditor in a merged territory on the date on which such territory merged with the Province of Bombay and if the place in which such debtor was ordinarily residing on the said date, was outside such territory, such debtor, or

(b) his creditor

may make an application to the Court under section 4 within six months from the date of the coming into operation of the Bombay Agricultural Debtors Relief (Amendment) Act, 1950 (Bom. XXXVII of 1950).

(2) Nothing in sub-section (1) shall entitle any debtor or creditor to make an application if prior to the date of the coming into operation of the said Bombay Agricultural Debtors Relief (Amendment) Act, 1950 (Bom. XXXVII of 1950), he could have made an application under section 4 of this Act :

Provided that, if the debtor had in such territory on the date on which such territory merged with the Province of Bombay any property against which the creditor could have enforced his remedy for the recovery of the debts due to him from such debtor under any law in force in such territory immediately before the said date, such debtor or his creditor shall be entitled to make an application under sub-section (1).

58. *Special provision for application under section 24 in respect of land situate in merged territories.* Notwithstanding anything contained in section 24 of this Act as amended by the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), in its application to the merged territories, an agricultural labourer entitled to apply under section 24 for a declaration that a transfer of any land situate in any of the merged territories is a mortgage, may make an application under the said section within six months from the date of the coming into operation of the Bombay Agricultural Debtors Relief (Amendment) Act, 1950 (Bom. XXXVII of 1950), to the Court of the Civil Judge (Senior Division) having ordinary jurisdiction in the area in which such land is situate, and if there is no such Civil Judge to the Court of the Civil Judge (Junior Division) having jurisdiction in the said area."

The Bombay Entertainments Duty (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 2nd November 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 8th November 1950;

Bombay Act No. XXXVIII of 1950.

An Act to amend the Bombay Entertainments Duty Act, 1923.

WHEREAS it is expedient to amend the Bombay Entertainments Duty Act, 1923 (Bom. I of 1923) for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*— This Act may be called the Bombay Entertainments Duty (Amendment) Act, 1950.

2. *Amendment of section 2 of Bom. I of 1923.*—In section 2 of the Bombay Entertainments Duty Act, 1923 (Bom. I of 1923) (hereinafter called the said Act),—

(1) in clause (c), the word "and" shall be deleted ;

(2) after clause (d), the following clause shall be added, namely :—

"(e) 'complimentary ticket' means a ticket or pass for admission to an entertainment free of any payment or at a reduced rate of payment for such admission."

3. *Insertion of new section 3A in Bom. I of 1923.*—After section 3 of the said Act, the following section shall be inserted, namely :—

"3A. *Duty on complimentary tickets.*— There shall from the 1st day of April 1951 be levied and paid to the State Government on every complimentary ticket issued by the proprietor the entertainments duty at the appropriate rate prescribed under section 3 as if full payment had been made for admission to the entertainment according to the class of seat or accommodation which the holder of such ticket is entitled to occupy or use and the holder of such ticket shall be deemed to have been admitted for payment for the purposes of this Act."

4. *Amendment of section 4 of Bom. I of 1923.*—In section 4 of the said Act, for sub-section (1) the following shall be substituted, namely :—

"(1) Save as otherwise provided by this Act, no person other than a person who has to perform some duty in connection with an entertainment or a duty imposed upon him by any law, shall be admitted to any entertainment, except with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the State Government for the purposes of revenue and denoting that the proper entertainments duty has been paid."

5. *Amendment of section 5 of Bom. I of 1923.*—In section 5 of the said Act, the words "for payment" shall be deleted.

6. *Amendment of section 7 of Bom. I of 1923.*—In section 7 of the said Act, clause (cc) of sub-section (1) shall be deleted.

The Bombay Land Requisition (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 11th November 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 11th November 1950.

Bombay Act No. XXXIX of 1950.

An Act to amend the Bombay Land Requisition Act, 1948.

WHEREAS it is expedient to amend the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948) for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*— This Act may be called the Bombay Land Requisition (Second Amendment) Act, 1950.

2. *Amendment of section 5 of Bom. XXXIII of 1948.*—In section 5 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948) (hereinafter called the said Act), in sub-section (1), for the words "any purpose" the words "the purpose of the State or any other public purpose" shall be substituted.

3. *Amendment of section 6 of Bom. XXXIII of 1948.*—In section 6 of the said Act, in clause (a) of sub-section (4), for the words "and may use or deal with the premises" the words "for the purpose of the State or any other public purpose and may use or deal with the premises for any such purpose" shall be substituted.

4. *Amendment of section 7 of Bom. XXXIII of 1948.* —In section 7 of the said Act, in sub-section (1), after the words "under this Act" the words "for any purpose of the State or any other public purpose" and after the words "and the State Government may" the words "for any such purpose" shall be inserted.

5. *Amendment of section 12 of Bom. XXXIII of 1948.*—In section 12 of the said Act, in sub-section (1), the words "under this Act" shall be added at the end.

6. *Amendments to have retrospective effect.*—The amendments made by this Act shall be deemed to have been and always to have been made with effect from the 26th January 1950, and all orders for requisition made under sections 5, 6 and 7 of the said Act on or after that date shall be deemed to have been made under the said Act as amended by this Act, and no such order shall be called in to question in any Court merely on the ground that the amendments made by this Act were not at the date of such order included in the aforesaid provisions under which the said order was made.

The Bombay District Municipal and Bombay Municipal Boroughs (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 9th November, 1950, and was published in the *Bombay Government Gazette*, Part IV, dated the 15th November, 1950.

Bombay Act No. XL of 1950

An Act to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901 (Bom. III of 1901), and the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay District Municipal and Bombay Municipal Boroughs (Amendment) Act, 1950.

2. *Amendment of section 23 of Bom. III of 1901.*—In section 23 of the Bombay District Municipal Act, 1901 (Bom. III of 1901), hereinafter referred to as the District Municipal Act, for sub-sections (*9*), (*10*) and (*11*), the following shall be substituted, namely :—

"(9) The meeting called under sub-section (*8*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a municipality when presiding over a meeting of the municipality has, but shall not have the right to vote :

Provided that notwithstanding anything contained in section 26, the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(10) No business other than the election of the President and the Vice-President shall be transacted at such meeting.

(11) If in the election of the President or the Vice-President there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine."

3. *Insertion of new section 23A1 in Bom. III of 1901.*—After section 23 of the District Municipal Act, the following new section shall be inserted, namely :—

"23A1. *Penalty for refusal to hand over charge to new President or Vice-President.*—(1) On the appointment or election of a new President of Vice-President, the retiring President or Vice-President in whose place the new President or Vice-President has been appointed or elected shall hand over charge of his office to such new President or Vice-President, as the case may be.

(2) If the retiring President or Vice-President fails or refuses to hand over charge of his office as required under sub-section (1), the State Government or any authority empowered by the State Government in this behalf may, by order in writing, direct the President or the Vice-President, as the case may be, to forthwith hand over charge of his office and all papers and property of the municipality, if any, in his possession as such President or Vice-President, to the new President or Vice-President.

(3) If the retiring President or Vice-President to whom a direction has been issued under sub-section (2) does not comply with such direction, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to Rs. 500 or with both."

4. *Amendment of section 84A of Bom. III of 1901.*—In section 84A of the District Municipal Act, after the word "distrained" the words "or attached" shall be inserted.

5. *Amendment of section 85 of Bom. III of 1901.*—In section 85 of the District Municipal Act, in clause (b), after the word "distress" the words "or attachment" shall be inserted.

6. *Amendment of section 19A of Bom. XVIII of 1925.*—In section 19A of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), hereinafter referred to as the Municipal Boroughs Act, for sub-sections (2), (3) and (4), the following shall be substituted, namely :—

"(2) The meeting called under sub-section (1) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a municipality when presiding over a meeting of the municipality has, but shall not have the right to vote :

Provided that notwithstanding anything contained in section 35, the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(3) No business other than the election of the President and the Vice-President shall be transacted at such meeting.

(4) If in the election of the President or the Vice-President there is an equality of votes, the result of the election shall be decided by lot to

be drawn in the presence of the Collector or the officer presiding in such manner as he may determine".

7. *Amendment of section 21 of Bom. XVIII of 1925.*—Section 21 of the Municipal Boroughs Act shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*) so renumbered the following sub-section shall be added, namely:—

"(2) A President or Vice-President shall also be removable from his office as such President or Vice-President by the State Government for misconduct, or neglect of, or incapacity to perform, his duty and the President or Vice-President so removed shall not be eligible for re-election as a President or Vice-President during the remainder of the term of office of the municipality".

8. *Insertion of new section 23A in Bom. XVIII of 1925.*—After section 23 of the Municipal Boroughs Act the following new section shall be inserted, namely:—

"*23A. Penalty for refusal to hand over charge to new President or Vice-President.*—(1) On the election of a new President or Vice-President, the retiring President or Vice-President in whose place the new President or Vice-President has been elected shall hand over charge of his office to such new President or Vice-President, as the case may be.

(2) If the retiring President or Vice-President fails or refuses to hand over charge of his office as required under sub-section (*1*), the State Government or any authority empowered by the State Government in this behalf may, by order in writing, direct the President or the Vice-President, as the case may be, to forthwith hand over charge of his office and all papers and property of the municipality, if any, in his possession as such President or Vice-President, to the new President or Vice-President.

(3) If the retiring President or Vice-President to whom a direction has been issued under sub-section (*2*) does not comply with such direction, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to Rs. 500 or with both".

9. *Amendment of section 35 of Bom. XVIII of 1925.*—In section 35 of the Municipal Boroughs Act, in sub-section (*2*), for the words "the vice-President may" the words "the Vice-President shall" shall be substituted.

The Bombay Co-operative Societies (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the Governor on the 23rd April 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 27th April 1950.

Bombay Act No. XII of 1950.

An Act to amend the Bombay Co-operative Societies Act, 1925

WHEREAS it is expedient to amend the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Co-operative Societies (Amendment) Act, 1950.

2. *Amendment of section 15A of Bom. VII of 1925.*—In section 15-A of the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925) (hereinafter called said Act),—

(1) in sub-section (2), after the words "shall be sent" the words "or delivered" shall be inserted ; and

(2) in sub-section (6), for the words "the receipt of the preliminary resolution by" the words "the date of despatch or delivery of a copy of the preliminary resolution to" shall be substituted.

3. *Amendment of section 26 of Bom VII of 1925.*—In section 26 of the said Act, after the words "capital of a society" the words "or in a loan stock issued by a housing society" shall be inserted.

4. *Amendment of section 54A of Bom. VII of 1925.*—In section 54A of the said Act,—

(1) in sub-section (1), after the words "the said section" the following shall be inserted, namely :—

"or

(iii) pass such order thereon as it deems just."

(2) after sub-section (4), the following new sub-section shall be added, namely :—

'(5) The applications under sub-sections (1) and (4) shall be made within two months from the date of the award made by the arbitrators."

5. *Amendment of section 55 of Bom. VII of 1925.*—Section 55 of the said Act shall be renumbered as sub-section (1) of that section and after sub section (1) so renumbered the following new sub-section shall be added, namely :—

"(2) The Registrar or his nominee or the arbitrators, as the case may be, may in order to prevent the ends of justice being defeated make such interlocutory orders pending the decision in a dispute referred to in sub-section (1) as may appear to be just and convenient."

6. *Amendment of section 56 of Bom. VII of 1925.*—In section 56 of the said Act, for the words "one month" the words "two months" shall be substituted.

7. *Amendment of section 59 of Bom. VII of 1925.*—To clause (b) of sub-section (1) of section 59 of the said Act, the following shall be added, namely :—

"Such application shall be made within twelve years from the date fixed in the order and if no such date is fixed, from the date of the order."

8. *Amendment of section 63 A of Bom VII of 1925* —In section 63A of the said Act,—

(1) after sub-section (2), the following new sub-section shall be inserted, namely :—

"(2 A) Where the Tribunal consists of three members, any two members of the Tribunal shall form the quorum for the disposal of its business."

(2) after sub-section (6), the following new sub-section shall be inserted, namely :—

"(6-A) Where an appeal is made to the Tribunal under section 56 it may in order to prevent the ends of justice being defeated make such interlocutory orders pending the decision of the appeal as may appear to it to be just and convenient or such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Tribunal."

9. *Insertion of new section 64-IA in Bom. VII of 1925* —After section 64 of the said Act, the following new section shall be inserted, namely :—

"64-IA. *Extension of period of limitation by appellate authority in certain cases* —In all cases in which it is provided under this Act that an appeal may be filed against any decision or order within a specified period, the appellate authority may admit an appeal after the expiry of such period,

if the appellant satisfies the appellate authority that he had sufficient cause for not prefering the appeal within such period."

The Bombay Village Panchayats (Amendment) Act, 1950.

Received the assent of the Governor on the 26th October 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 3rd November 1950.

Bombay Act No. XXXI of 1950

An Act to amend the Bombay Village Panchayats Act, 1933.

WHEREAS it is expedient to amend the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*— This Act may be called the Bombay Village Panchayats (Amendment) Act, 1950.

2 *Amendment of section 3 of Bom VI of 1933* —In section 3 of the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933) (hereinafter referred to as the said Act), in clause (14), the following shall be added at the end, namely :—

' but does not include a fee"

3. *Amendment of section 6 of Bom. VI of 1933* —In section 6 of the said Act in sub section (3), for the word "four" the word "eight" shall be substituted.

4. *Amendment of section 9 of Bom VI of 1933* —In section 9 of the said Act,—

(1) in sub-section (1), after the word "may" the words, brackets, figure and letter "subject to the provisions of sub-section (1A)," shall be inserted ;

(2) after sub-section (1), the following sub section shall be inserted, namely :—

"(1A) If in any case to which the proviso to sub-section (1) does not apply, the validity of an election is in dispute between two or more candidates, the Collector shall, after a scrutiny and computation of the votes recorded in favour of each candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected :—

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Collector finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it :

Provided further that after such computation if an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in favour of such candidate or candidates, as the case may be, selected by lot drawn in the presence of the Collector in such manner as he may determine "

(3) for the marginal note to the said section, the following shall be substituted, namely :—

"Determination of validity of elections by Collector."

5. *Amendment of section 23 of Bom. VI of 1933* —In section 23 of the said Act, in the first proviso to sub-section (1), for the words "four", where it occurs for the second time, the word ' eight" shall be substituted.

6 *Amendment of section 26 of Bom. VI of 1933* —In section 26 of the said Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely :—

"(ba) the removing of obstructions and projections in public streets or places and in sites not being private property, which are open to the enjoyment of the public, whether such sites are vested in the panchayat or belong to Government;"

7. *Amendment of section 26A of Bom. VI of 1933.*—In section 26A of the said Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) A panchayat may by a resolution passed at its meeting and supported by two-thirds of the whole number of its members make provision for any public reception, ceremony, entertainment or exhibition within the village:—

Provided that the panchayat shall not incur expenditure exceeding Rs. 25 on any such public reception, ceremony, entertainment or exhibition, except with the previous sanction of the Collector."

8. *Insertion of new section 28C in Bom. VI of 1933.*—After section 28B of the said Act, the following new section shall be inserted, namely:—

"28C. *Obstructions and encroachments upon public streets and open sites.*—(1) Whoever within the limits of the village,

(a) shall have built or set up, or shall build or set up, any wall, or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or

(b) shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing,

in any public street or place or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place shall, on conviction, be punished with fine which may extend to twenty rupees and with further fine which may extend to one rupee for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

(2) The panchayat shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the panchayat or not, provided that if the site be vested in Government the permission of the Collector or any officer authorised by him in this behalf shall have first been obtained, the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon any open site which is not private property shall, on conviction, be punished with fine which may extend to forty rupees, and, in the case of an encroachment, with further fine which may extend to two rupees for every day on which the encroachment continues after the date of first conviction.

(4) Nothing contained in this section shall prevent the panchayat from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and sites for not more than four days, and in such manner as not to inconvenience the public or any individual."

9. *Amendment of section 41 of Bom. VI of 1933.*—In section 41 of the said Act,—

(1) in clause (f), the entry 'Failure to cause child to attend school .. ...35" shall be deleted;

(2) for clause (h) the following shall be substituted, namely :—

"(h) Under this Act,—

(i) Obstructions and encroachments upon public streets and open sites.....28C(1) and (3).

(ii) Contravention of a by law .....109".

10. *Amendment of section 43 of Bom. VI of 1933.*—In section 43 of the said Act, for the words "for a breach of a by-law" the words, brackets, figures and letter "punishable under sub-section (1) or (3) of section 28C or of contravention of a by-law under sub-section (3) of section 109" shall be substituted.

11. *Amendment of section 45 of Bom VI of 1933.*—In section 45 of the said Act, in sub section (1),—

(1) clause (bb) shall be deleted ;

(2) clause (bc) shall be relettered as clause (bb) ;

(3) in clause (bb) so relettered, the word "and" at the end shall be deleted ;

(4) for clause (c), the following clauses shall be substituted, namely:—

"(c) Under sub-section (1) of section 28C of this Act—

Fine not exceeding Rs. 20 or Re. 1 per day for a continuing contravention as provided in that sub-section.

(d) Under sub-section (3) of section 28C of this Act—

Fine not exceeding Rs. 40 or Rs. 2 per day for a continuing contravention as provided in that sub-section.

(e) Under sub-section (3) of section 109 of this Act—

Fine not exceeding Rs. 20 or Re 1 per day for a continuing contravention as provided in that sub-section."

12. *Amendment of section 89 of Bom. VI of 1933.*—In section 89 of the said Act,—

(1) in sub-section (2), after clause (vib), the following clauses shall be inserted, namely :—

"(vic) a fee on markets and weekly bazaars ;

(vid) a fee on cart-stands ;"

(2) in sub-section (2A), after the word "taxes" the words "or fees" shall be inserted.

13. *Amendment of section 91 of Bom. VI of 1933.*—In section 91 of the said Act,—

(1) in sub-sections (2) and (5) after the word "tax" the words "or fee" shall be inserted ;

(2) in sub-section (6), after the word "tax" the word "fee" shall be inserted.

14. *Amendment of section 92 of Bom VI of 1933.*—In section 92 of the said Act, in clause (b), after the word "tax" the words "or fee" shall be inserted.

15. *Amendment of section 108 of Bom. VI of 1933.*—In section 108 of the said Act, in clause (m1) of sub-section (1), after the word "taxes" the words "or fees" shall be inserted.

16. *Amendment of section 109 of Bom. VI of 1933.*—In section 109 of the said Act, in clause (a) of sub-section (3), for the figures "10" the figures "20" shall be substituted.

17. *Amendment of section 112 of Bom VI of 1933.*—In section 112 of the said Act, in sub-section (5), for the words "an Assistant or Deputy Collector" the words "a Mamlatdar or Mahalkari" shall be substituted.

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The Bombay Local Boards (Amendment) Act, 1950.

Received the assent of the Governor on the 27th October 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 3rd November 1950.

Bombay Act No XXXII of 1950.

An Act to amend the Bombay Local Boards Act, 1923.

WHEREAS it is expedient to amend the Bombay Local Boards Act, 1923 (Bom. VI of 1923), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1950.

2. *Amendment of section 26 of Bom. VI of 1923.*—In section 26 of the Bombay Local Boards Act, 1923 (Bom VI of 1923), hereinafter referred to as the said Act, for sub-section (3) the following shall be substituted, namely :—

"(3) The provisions of section 27A shall be applicable so far as may be to the calling of a meeting and the procedure to be followed at such meeting for the electi n of a president under sub-section (2)."

3 *Amendment of section 27 of Bom. VI of 1923.*—In section 27 of the said Act, the two provisos shall be deleted.

4. *Insertion of new section 27A in Bom. VI of 1923* —After section 27 of the said Act, the following section shall be inserted, namely :—

"27A. *for election of president and vice-president.*—(1) When a new local board is constituted after a general election or otherwise, the Collector shall call a meeting for the election of a new president and vice-president. Such meeting shall be called within twenty-five days from the date on which the names of the members of the new local board are published in the *Official Gazette* under section 21, but shall not be held on a date prior to the date on which the term of office of the retiring members prescribed or extended, as the case may be, under section 28 expires, or prior to the expiry of the period for which the local board has been superseded under section 129 or prior to the date specified for the dissolution of the local board under sub-section (1) of section 131A.

(2) The meeting called under sub-section (1) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the president of a local board when presiding over a meeting of the local board has, but shall not have the right to vote :

Provided that notwithstanding anything contained in section 35, the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting

(3) No business other than the election of the president or the vice-president shall be transacted at such meeting.

(4) If in the election of the president or the vice-president there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.

5. *Amendment of section 50 of Bom. VI of 1923* —In section 50 of the said Act, after clause (*mm*) the following clause shall be inserted, namely :—

"(*mm-i*) promoting the well being of employees of the local board or any class of such employees and of their dependents ;"

The Bombay Public Trusts Act, 1950.

Received the assent of the President on the 31st May 1950 and was published in the *Bombay Government Gazette*, Part IV, dated the 14th August 1950.

Bombay Act No. XXIX of 1950.

An Act to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay.

WHEREAS it is expedient to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay ; it is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent, operation and application.*—(1) This Act may be called the Bombay Public Trusts Act, 1950.

(2) It shall extend to the whole of the State of Bombay.

(3) This Act shall come into force at once ; but the provisions thereof shall apply to a public trust or any class of public trusts on the date specified in the notification under sub-section (4).

(4) The State Government may, by notification in the *Official Gazette*, specify the date on which the provisions of this Act shall apply to any public trust or any class of public trusts :

Provided that the State Government may also by a like notification direct that from the date specified therein any public trust or class of public trusts shall be exempt from the provisions of this Act :

Provided further that before a notification of such application or exemption is published, a draft thereof shall be published in the *Official Gazette*, and in such other manner as may be prescribed for the information of persons likely to be affected thereby together with a notice specifying the date on or before which any objections or suggestions shall be received and the date on or after which the draft shall be taken into consideration.

2. *Definitions* —In this Act, unless there is anything repugnant in the subject or context—

(1) "assessor" means a person appointed as an assessor under section 7 ;

(2) "Assistant Charity Commissioner" means an Assistant Charity Commissioner appointed under section 5 ;

(3) "Charity Commissioner" means the Charity Commissioner appointed under section 3 ;

(4) "court" means in the Greater Bombay, the City Civil Court and elsewhere, the District Court ;

(5) "Deputy Charity Commissioner" means the Deputy Charity Commissioner appointed under section 5 :

(6) "Hindu" includes Jain, Buddhist and Sikh ;

(7) "Inspecter" means an Inspector appointed under section 6 ;

(8) "manager" means any person (other than a trustee) who for the time being either alone or in association with some other person or persons administers the trust property of any public trust and includes—

(a) in the case of a math, the head of such math,

(b) in the case of a wakf, a mutawalli of such wakf,

(c) in the case of a society registered under the Societies Registration Act, 1860 (XXI of 1860), its governing body, if the property of the society is not vested in a trustee ;

(9) "math" means an institution for the promotion of the Hindu

religion presided over by a person whose duty it is to engage himself in imparting religious instructions or rendering spiritual service to a body of disciples or who exercises or claims to exercise headship over such a body and includes places of religious worship or instruction which are appurtenant to the institution ;

(10) "person having interest" means—

(a) in the case of a temple, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in the habit of partaking in the distribution of gifts thereof,

(b) in the case of a math, a disciple of the math or a person of the religious pursuasion to which the math belongs,

(c) in the case of a wakf, a person who is entitled to receive any pecuniary or other benefit from the wakf and includes a person who has a right to worship or to perform any religious rite in a mosque, idgah, imambara, dargah, maqbara or other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf,

(d) in the case of a society registered under the Societies Registration Act, 1860 (XXI of 1860), any member of such society, and

(e) in the case of any other public trust, any beneficiary ;

(11) "prescribed" means prescribed by rules ;

(12) "public securities" means—

(a) securities of the Central Government or any State Government,

(b) stocks, debentures or shares in Railway or other companies, the interest or dividend on which has been guaranteed by the Central or any State Government,

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by an Act of the Central or State Legislature,

(d) a security expressly authorised by an order which the State Government makes in this behalf ;

(13) "public trust" means an express or constructive trust for either a public religious or charitable purpose or both and includes a temple, a math, a wakf or any other religious or charitable endowment and a society formed either for a religious or charitable purpose or for both and registered under the Societies Registration Act, 1860 (XXI of 1860) :

(14) "region" or "sub-region" means the areas designated as such and for which a Public Trusts Registration Office has been established under this Act ;

(15) "rules" means rules made under this Act ;

(16) "scrip" includes security, stock, shares and debentures ;

(17) "temple" means a place by whatever designation known and used as a place of public religious worship and dedicated to or for the benefit of or used as of right by the Hindu community or any section thereof as a place of public religious worship ;

(18) "trustee" means a person in whom either alone or in association with other persons, the trust property is vested and includes a manager ;

(19) "wakf" means a permanent dedication by a person professing Islam of any moveable or immoveable property for any purpose recognised by the Islamic law as pious, religious or charitable and includes a wakf by user but does not include a wakf such as is described in section 3 of the Mussalman Wakf Validating Act, 1913 (VI of 1913), under which any benefit is for the time being claimable for himself by the person by whom

the wakf was created or by any member of his family or descendants ;

(20) words and expressions used but not defined in this Act and defined in the Indian Trusts Act, 1882 (II of 1882), shall have the meanings assigned to them in that Act.

CHAPTER II.

ESTABLISHMENT.

3. *Charity Commissioner.*—The State Government may, by notification in the *Official Gazette,* appoint an Officer to be called the Charity Commissioner, who shall exercise such powers and shall perform such duties and functions as are conferred by or under the provisions of this Act and shall, subject to such general or special orders as the State Government may pass, superintend the administration and carry out the provisions of this Act throughout the State.

4. *Qualifications for appointment of Charity Commissioner.*—The Charity Commissioner shall be a person who is holding or has held a judicial office not lower in rank than that of a District Judge or a Judge of the Bombay City Civil Court.

5. *Deputy and Assistant Charity Commissioners.*—(1) The State Government may also appoint such number of Deputy and Assistant Charity Commissioners for such regions or sub-regions or for such public trust or such class of public trusts as may be deemed necessary.

(2) Persons to be appointed as Deputy or Assistant Charity Commissioners shall be persons who are holding or have held a judicial office not lower in rank than that of a Civil judge (Senior Division).

(3) The Deputy and Assistant Charity Commissioners shall exercise such powers and perform such duties and functions as may be provided by or under the provisions of this Act.

6. *Subordinate Officers.*—To aid the Charity Commissioner and the Deputy and Assistant Charity Commissioners in carrying out the provisions of this Act, the State Government may appoint Inspectors and other subordinate Officers with such designations and assign to them such powers, duties and functions under this Act, as may be deemed necessary

7. *Assessors.*—(1) The assessors shall be appointed in the manner provided in Chapter IX for any region or sub region or with respect to any particular public trust or class of public trusts or in connection with any particular matter or class of matters relating to such trust or class of trusts.

(2) The assessors shall perform such functions as may be provided by or under the provisions of this Act.

8. *Delegations.*—(1) The State Government may delegate any of its own powers or functions under this Act to the Charity Commissioner or any other officer subject to such conditions as it thinks fit.

(2) The State Government may also direct that any powers exercisable and any duties or functions to be performed by any particular officer appointed under this Act may be performed by any other officer subject to such conditions as it thinks fit

CHAPTER III.

CHARITABLE PURPOSES AND VALIDITY OF CERTAIN PUBLIC TRUSTS.

9. *Charitable purposes.*—For the purposes of this Act, a charitable purpose includes—

(1) relief of poverty or distress,

(2) education,

(3) medical relief, and

(4) the advancement of any other object of general public utility,

but does not include a purpose which relates—

(a) exclusively to sports, or

(b) exclusively to religious teaching or worship.

10. *Public trust not to be void on ground of uncertainty.*—Notwithstanding any law, custom or usage, a public trust shall not be void, only on the ground that the persons or objects for the benefit of whom or which it is created are unascertained or unascertainable.

Explanation.—A public trust created for such objects as dharma, dharmada or punyakarya, punyadan shall not be deemed to be void, only on the ground that the objects for which it is created are unascertained or unascertainable.

11 *Public trust not void on ground that it is void for non-charitable or non-religious purpose.*—A public trust created for purposes some of which are charitable or religious and some are not shall not be deemed to be void in respect to the charitable or religious purpose, only on the ground that it is void with respect to the non-charitable or non-religious purpose.

12. *Public trust not void on ground of absence of obligation.*—Any disposition of property for a religious or charitable purpose shall not be deemed to be void as a public trust, only on the ground that no obligation is annexed with such disposition requiring the person in whose favour it is made to hold it for the benefit of a religious or charitable object.

13. *Public trust not void on failure of specific object or society etc. ceasing to exist.*—If any public trust is created for a specific object of a charitable or religious nature or for the benefit of a society or institution constituted for a charitable or religious purpose, such trust shall not be deemed to be void only on the ground—

(a) that the performance of the specific object for which the trust was created has become impossible or impracticable, or

(b) that the society or institution does not exist or has ceased to exist, notwithstanding the fact that there was no intent for the appropriation of the trust property for a general charitable or religious purpose.

CHAPTER IV.

REGISTRATION OF PUBLIC TRUSTS.

14 *Regions and sub-regions.*—(1) For the purposes of this Act, the State Government may form regions and sub-regions and may prescribe and alter limits of such regions and sub regions.

(2) The regions and sub-regions formed under this section, together with the limits thereof and every alteration of such limits shall be notified in the *Official Gazette*

15. *Public Trusts Registration Offices.*—In every region or sub-region there shall be a public Trusts Registration Office :

Provided that for two or more regions or sub-regions, there may be one Public Trusts Registration Office :

Provided further that for one region or sub-region there may be one or more Joint Public Trusts Registration Offices.

16. *Deputy or Assistant Charity Commissioner to be in charge of Public Trusts' Registration Office.*—The State Governmnet may appoint a Deputy Charity Commissioner or Assistant Charity Commissioner to be in charge of one or more Public Trusts Registration Offices or Joint Public Trusts Registration Offices.

17. *Books, indices and registers.*—In every Public Trusts Registration Office or Joint Public Trusts Registration Office, it shall be the duty of the Deputy or Assistant Charity Commissioner in charge to keep and maintain such books, indices and other registers as may be prescribed.

Such books, indices and registers shall contain such particulars as may also be prescribed.

18. *Registration of public trusts.*—(1) It shall be the duty of the trustee of a public trust to which this Act has been applied to make an application for the registration of the public trust

(2) Such application shall be made to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the trustee has an office for the administration of the trust.

(3) Such application shall be in writing, shall be in such form and accompanied by such fee as may be prescribed.

(4) Such application shall—

(a) in the case of a public trust created before this Act was applied to it, be made, within three months from the date of the application of this Act, and

(b) in the case of a public trust created after this Act comes into force, within three months of its creation.

(5) Such application shall *inter alia* contain the following particulars :—

(i) the names and addresses of the trustees and the manager,

(ii) the mode of succession to the office of the trustee,

(iii) the list of the moveable and immovable trust property and such descriptions and particulars as may be sufficient for the identification thereof,

(iv) the approximate value of the moveable and immovable property,

(v) the gross average annual income of the trust property estimated on the income of three years immediately preceding the date on which the application is made or of the period which has elapsed since the creation of the trust, whichever period is shorter,

(vi) the amount of the average annual expenditure in connection with such public trust estimated on the expenditure incurred within the period to which the particulars under clause (v) relate,

(vii) the address to which any communication to the trustee or manager in connection with the public trust may be sent,

(viii) such other particulars which may be prescribed :

Provided that the rules may provide that in the case of any or all public trusts it shall not be necessary to give the particulars of the trust property of such value and such kind as may be specified therein.

(6) Every application made under sub-section (1) shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf. It shall be accompanied by a copy of an instrument of trust, if such instrument had been executed and is in existence.

19. *Inquiry for registration.*—On the receipt of an application under section 18, or upon an application made by any person having interest in a public trust or on his own motion, the Deputy or Assistant Charity Commissioner shall make an inquiry in the prescribed manner for the purpose of ascertaining :—

(i) whether the trust is a public trust,

(ii) whether any property is the property of such trust,

(iii) whether the whole or any substantial portion of the subject-matter of the trust is situate within his jurisdiction,

(iv) the names and addresses of the trustees and manager of such trust,

(v) the mode of succession to the office of the trustee of such trust,

(vi) the origin, nature and object of such trust,

(vii) the amount of gross average annual income and expenditure of such trust, and

(viii) any other particulars as may be prescribed under sub-section (5) of section 18.

20. *Findings of Deputy or Assistant Charity Commissioners.*—On completion of the inquiry provided for under section 19, the Deputy or Assistant Charity Commissioner shall record his findings with the reasons therefor as to the matters mentioned in the said section.

21 *Entries in register*—(1) The Deputy or Assistant Charity Commissioner shall make entries in the register kept under section 17 in accordance with the findings recorded by him under section 20 or if appeals are made as provided by this Act, in accordance with the final decision of the competent authority provided by this Act.

(2) The entries so made shall, subject to the provisions of this Act and subject to any change recorded under the following provisions, be final and conclusive.

22. *Change*—(1) Where any change occurs in any of the entries recorded in the register kept under section 17, the trustee shall, within 90 days from the date of the occurrence of such change, or where any change is desired in such entries in the interest of the administration of such public trust, report such change or proposed change to the Deputy or Assistant Charity Commissioner in charge of the Public Trusts Registration Office where the register is kept. Such report shall be made in the prescribed form

(2) For the purpose of verifying the correctness of the entries in the register kept under section 17 or ascertaining whether any change has occurred in any of the particulars recorded in the register, the Deputy or Assistant Charity Commissioner may hold an inquiry.

(3) If the Deputy or Assistant Charity Commissioner, as the case may be, after receiving a report under sub-section (1) and holding an inquiry, if necessary under sub section (2), or merely after holding an inquiry under the said sub section (2), is satisfied that a change has occurred in any of the entries recorded in the register kept under section 17 in regard to a particular public trust, he shall record a finding with the reasons therefor to that effect. Such finding shall be appealable to the Charity Commissioner. The Deputy or Assistant Charity Commissioner shall amend the entries in the said register in accordance with such finding and if appeals were made against such finding, in accordance with the final decision of the competent authority provided by this Act. The amendments in the entries so made shall, subject to any further amendment on the occurrence of a change, be final and conclusive.

23. *Procedure where trust property is situate in several regions or sub-regions.*—If any part of the property of any public trust is situate within the limits of more than one region or sub-region, the Deputy or Assistant Charity Commissioner of the region or sub region within the limits of which the public trust is registered, shall forward a copy of the entries to the Deputy or Assistant Charity Commissioner in charge of the region or sub-region within the limits of which such part of the trust property is situate. The Deputy or Assistant Charity Commissioner in charge of such region or sub-region shall make an entry in such book as may be prescribed for the purpose. A copy of such entry shall also be sent by the Deputy or the Assistant Charity Commissioner, as the case may be, to the Sub-Registrar appointed under the Indian Registration Act, 1908 (XVI of

1908), of the sub-district within the limits of which such property or part thereof is situate.

24. *Stay of inquiry.*—No Deputy or Assistant Charity Commissioner shall proceed with an inquiry under section 19 or 22 in regard to any public trust which has been already registered in any other region or sub-region.

25. *Inquiry regarding public trust not to be held by more than one Deputy or Assistant Charity Commissioner.*—(1) If an inquiry under section 19 or 22 in regard to any public trust is pending before more than one Charity Commissioner, whether Deputy or Assistant, the Charity Commissioner shall, on the application of any of the persons having interest in such public trust or of any Deputy or Assistant Charity Commissioner before whom such inquiry is pending or on his own motion, determine which of such Deputy or Assistant Charity Commissioners shall proceed with the inquiry in regard to such trust.

(2) The determination of the Charity Commissioner under sub-section (1) shall be final and conclusive; and upon such determination, no Deputy or Assistant Charity Commissioner other than the Deputy or Assistant Charity Commissioner specified by the Charity Commissioner shall proceed with the inquiry in regard to the public trust under section 19 or 22, as the case may be.

26. *Court to forward copy of decision to Charity Commissioner.*—Any Court of competent jurisdiction deciding any question relating to any public trust which by or under the provisions of this Act is not expressly or impliedly barred from deciding shall cause copy of such decision to be sent to the Charity Commissioner and the Charity Commissioner shall cause the entries in the register kept under section 17 to be made or amended in regard to such public trust in accordance with such decision. The amendments so made shall not be altered except in cases where such decision has been varied in appeal or revision by a court of competent jurisdiction. Subject to such alterations, the amendments made shall be final and conclusive.

27 *Stamping of scrips.*—(1) Where a public trust has been registered under the provisions of this Act, it shall be the duty of the trustee to stamp or indorse in the prescribed manner on each of the scrips which form part of the property of the public trust the name or description of the trust. The Deputy or the Assistant Charity Commissioner making the inquiry under section 19 shall satisfy himself that each of such scrips has been so stamped or indorsed. If he finds that they are not so stamped or indorsed, he may require them to be so stamped or indorsed.

(2) In the case of scrips which may become the property of a public trust after its registration under this Act, it shall be the duty of the trustee to stamp or indorse them in the manner referred to in sub-section (1) within 15 days from the date on which such scrips have come into his possession. If before the expiry of the said period of 15 days any of such scrips are to be sold, pledged or otherwise transferred, the trustee shall stamp or indorse them in the manner referred to in sub-section (1) before such sale, pledge or transfer is effected.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Deputy or the Assistant Charity Commissioner may, at any time, in order to satisfy himself that any of the scrips which are the property of a public trust have been stamped or indorsed in the manner referred to in sub-section (1), require the trustee to produce for his inspection the scrips which are the property of a public trust and may, if such scrips are found

not to have been so stamped or indorsed, require them to be so stamped or indorsed.

28. *Public trusts previously registered under enactments specified in Schedule.*—(1) All public trusts registered under the provisions of any of the enactments specified in the Schedule shall be deemed to have been registered under this Act from the date on which this Act may be applied to them. The Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the trust property or the substantial portion of the trust property is situate shall issue notice to the trustee of such trust for the purpose of recording entries relating to such trust in the register kept under section 17 and shall after hearing the trustee and making such inquiry as he thinks fit record findings with the reasons therefor. Such findings shall be in accordance with the entries in the registers already made under the said enactments subject to such changes as may be necessary or expedient.

(2) Any person aggrieved by any of the findings recorded under sub-section (1) may appeal to the Charity Commissioner.

(3) The provisions of this Chapter shall, so far as may be, apply to the making of entries in the register kept under section 17 and the entries so made shall be final and conclusive.

29. *Public trust created by will* — In the case of the public trust which is created by a will, the executor of such will shall within one month from the date on which the probate of the will is granted or within six months from the date of the testator's death make an application for the registration in the manner provided in section 18 and the provisions of this Chapter shall *mutatis mutandis* apply to the registration of such trust.

30. *Notice of particulars of immovable property and scrips entered in register.*—Any person acquiring any immovable property or scrips belonging to a public trust which has been registered under this Chapter or any part of or any share or interest in such property or scrip of such trust shall be deemed to have notice of the relevant particulars relating to such trust entered in the register

31. *Bar to hear or decide suits.*—(1) No suit to enforce a right on behalf of a public trust which has not been registered under this Act shall be heard or decided in any Court

(2) The provisions of sub-section (1) shall apply to a claim of set off or other proceeding to enforce a right on behalf of such public trust.

CHAPTER V

Accounts and Audit

32. *Maintenance of accounts*—(1) Every trustee of a public trust which has been registered under this Act shall keep regular accounts.

(2) Such accounts shall be kept in such form as may be approved by the Charity Commissioner and shall contain such particulars as may be prescribed.

33 *Balancing and auditing of accounts*—(1) The accounts kept under section 32 shall be balanced each year on the thirty-first day March or such other day, as may be fixed by the Charity Commissioner

(2) The accounts shall be audited annually in such manner as may be prescribed and by a person who is the holder of a certificate granted under section 144 of the Indian Companies Act, 1913 (VII of 1913), or is a member of an institution or association, the members of which have been declared under that section to be entitled to act as auditors of companies or by such persons as may be authorised in this behalf by the State Government.

(3) Every auditor acting under sub-section (2) shall have access to the accounts and to all books, vouchers, other documents and records in the possession of or under the control of the manager.

(4) Notwithstanding anything contained in the preceding sub sections the Charity Commissioner may direct a special audit of the accounts of any public trust whenever in his opinion such special audit is necessary. The provisions of sub-sections (2) and (3) shall, so far as may be applicable, apply to such special audit. The Charity Commissioner may direct the payment of such fee as may be prescribed for such special audit.

34. *Auditor's duty to prepare balance sheet and to report irregularities etc.*—(1) It shall be the duty of every auditor auditing the accounts of a public trust under section 33 to prepare a balance sheet and income and expenditure account and to forward a copy of the same to the Deputy or Assistant Charity Commissioner of the region or sub-region or to the Charity Commissioner, if the Charity Commissioner requires him to do so.

(2) The auditor shall in his report specify all cases of irregular, illegal or improper expenditure, or failure or omission to recover moneys or other property belonging to the public trust or of loss or waste of money or other property thereof and state whether such expenditure, failure, omission, loss or waste was caused in consequence of a breach of trust, or misapplication or any other misconduct on the part of the trustees, or any other person.

35. *Investment of public trust money.*—Where the trust property consists of money and cannot be applied immediately or at any early date to the purposes of the public trust the trustee shall be bound (subject to any direction contained in the instrument of the trust) to invest the money in public securities:

Provided that such money may be invested in the first mortgage of immovable property situate in a Part A State or a Part C State if the property is not leasehold for a term of years and the value of the property exceeds by one-half the mortgage money:

Provided further that the Charity Commissioner may by general or special order permit the trustee of any public trust or classes of such trusts to invest the money in any other manner.

36. *Alienation of immovable property of public trust.*—Subject to the directions in the instrument of trust—

(a) no sale, mortgage, exchange or gift of any immovable property, and

(b) no lease for a period exceeding ten years in the case of agricultural land or for a period exceeding three years in the case of non-agricultural land or a building,

belonging to a public trust, shall be valid without the previous sanction of the Charity Commissioner.

CHAPTER VI

CONTROL

37. *Power of inspection and supervision.*—The Charity Commissioner, the Deputy or Assistant Charity Commissioner or any officer authorised by the State Government by a general or special order shall have power—

(a) to enter on and inspect or cause to be entered on and inspected any property belonging to a public trust;

(b) to call for or inspect any extract from any proceedings of the trustees of any public trust and any book or account in the possession of or under the control of the trustees;

(c) to call for any return, statement, account or report which he may

think fit from the trustees or any person connected with a public trust :

Provided that in entering upon any property belonging to the public trust the officers making the entry shall give reasonable notice to the trustee and shall have due regard to the religious practices or usages of the trust.

38. *Explanation on report of auditor.*—On receipt of a report of the auditor under section 34, the Deputy or Assistant Charity Commissioner to whom the report is submitted shall require the trustee or any other person concerned to submit an explanation thereon within such period as he thinks fit.

39. *Report to Charity Commissioner.*—If on the consideration of the report of the auditor, the accounts and explanation, if any, furnished by the trustees or any other person, the Deputy or Assistant Charity Commissioner is, after holding an inquiry in the prescribed manner, satisfied that the trustees or any other person has been guilty of gross negligence, a breach of trust, misapplication or misconduct which has resulted in the loss to the public trust, he shall report the matter to the Charity Commissioner.

40. *Decision of Charity Commissioner on report under section 39.*—The Charity Commissioner shall, after considering the report of the Deputy or Assistant Charity Commissioner, giving an opportunity to the person concerned and holding such inquiry as he thinks fit, determine—

(a) the amount of loss caused to a public trust ;

(b) whether such loss was due to any breach of trust, misapplication or misconduct on the part of any person ;

(c) whether any of the trustees, or any other person was responsible for such loss ;

(d) the amount which any of the trustees or any other person is liable to pay to the public trust for such loss.

41. *Order of surcharge.*—(1) If the Charity Commissioner decides that any person is liable to pay to the public trust any amount for the loss caused to the trust, the Charity Commissioner may direct that the amount shall be surcharged on the person.

(2) Subject to the provisions of section 72, the order of the Charity Commissioner under sub-section (1) shall be final and conclusive.

CHAPTER VII

OTHER FUNCTIONS AND POWERS OF CHARITY COMMISSIONER.

42. *Charity Commissioner to be corporation sole.*—The Charity Commissioner shall be a corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

43. *Charity Commissioner to be Treasurer of Charitable Endowments under Act VI of 1890.*—Notwithstanding anything contained in the Charitable Endowments Act, 1890 (VI of 1890), the Charity Commissioner shall be deemed to be and to have always been the Treasurer of Charitable Endowments for the State of Bombay appointed under the provisions of the said Act, and the property vesting in the said Treasurer before the date on which this Act comes into force shall be deemed to vest in the Charity Commissioner as the Treasurer of Charitable Endowments ; and the provisions of the said Act shall apply to the Charity Commissioner, as the Treasurer of Charitable Endowments appointed under the said Act.

44. *Charity Commissioner can act as trustee of public trusts.*—(1) Subject to the provisions of this Act or the rules made thereunder the Charity Commissioner may be appointed to act as a trustee of a public trust by a Court of competent jurisdiction or by the author of the trust.

(2) Save as herein provided, the Charity Commissioner acting as a

trustee of a public trust shall have the same powers, duties and liabilities, and be entitled to the same rights and privileges as any other trustee of a public trust.

(3) The Charity Commissioner may decline, either absolutely or except on such conditions as he may impose, to accept any trust.

(4) The Charity Commissioner shall be the sole trustee and it shall not be lawful to appoint him as a trustee along with other persons.

45. *Charity Commissioner may with consent be appointed trustee of settlement by grantor.*—(1) Any person intending to create a public trust may by the instrument creating the trust and with the consent of the Charity Commissioner appoint him by that name or any other description to be the trustee of such trust :

Provided that the consent of the Charity Commissioner shall be recited in the said instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf.

(2) Upon such appointment the trust property shall vest in the Charity Commissioner and shall be held by him upon the terms declared in such instrument.

46. *Appointment of Charity Commissioner as trustee under will.*—Where the Charity Commissioner by that name or any other sufficient description has been appointed a trustee of any public trust under any will, the executor of the will of the testator or the administrator of his estate shall after obtaining probate or letters of administration, notify in the prescribed manner, the contents of such will to the Charity Commissioner and if the Charity Commissioner consents to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Charity Commissioner, such property shall vest in the Charity Commissioner and shall be held by him upon the trust expressed in the will :

Provided that the consent of the Charity Commissioner shall be recited in the instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf.

47. *Power of Court to appoint new trustee or trustees as the case may be.*—(1) Any person interested in a public trust or the Charity Commissioner may apply to the Court for the appointment of a new trustee, when a trustee of such trust—

(a) disclaims or dies ;

(b) is for a continuous period of six months absent from India without the leave of the Charity Commissioner or Deputy or Assistant Charity Commissioner or the Officer authorised by the State Government in this behalf ;

(c) leaves India for the purpose of residing abroad ;

(d) is declared an insolvent ;

(e) desires to be discharged from the trust ;

(f) refuses to act as a trustee ;

(g) becomes in the opinion of the Court unfit or physically incapable to act in the trust or accepts a position which is inconsistent with the trust ; or

(h) in any of the cases mentioned in Chapter III is not available to administer the trust.

(2) No such application shall be entertained,—

(a) unless the trustee who on account of any of the reasons mentioned in clauses (a) to (h) of sub-section (1) is not fit or available to administer

the trust is the sole trustee or unless by the vacation of office by one or more trustees on account of any of the said reasons the minimum number of trustees required by the instrument, scheme, order or decree of the Court or usage or custom of the trust for the administration of the trust is reduced :

(b) (i) until the expiration of a period of three months from the date on which the trustee is not so fit or available to administer the trust ; and

(ii) if a new trustee has been appointed in the said office during the said period in accordance with the instrument, scheme, order or decree of the Court, or custom or usage of the trust.

(3) The Court after making an inquiry may appoint the Charity Commissioner or any other person as the trustee to fill up the vacancy.

(4) In appointing the trustee under sub-section (3) the Court shall have regard—

(a) to the wishes of the author of the trust ;

(b) to the wishes of the person, if any, empowered to appoint a new trustee :

(c) to the question whether the appointment will promote or impede the execution of the trust ;

(d) to the interest of the public or the section of the public who have interest in the trust ; and

(e) to the custom and usage of the trust.

(5) Where the Charity Commissioner is appointed a trustee, he shall be the sole trustee.

(6) The decision of the Court under sub-section (3) shall be deemed to be the decree of the Court and an appeal shall lie therefrom to the High Court.

48. *Levy of administrative charges.*—(1) When the Charity Commissioner is appointed a trustee of any public trust, there shall be levied such administrative charges whether by way of percentage or otherwise, as the State Government may prescribe.

(2) The charges so levied may be at different rates for different properties or classes of properties or for different duties.

49. *Transfer of property by Charity Commissioner.*—(1) Nothing in this Act shall be deemed to prevent the transfer, by the Charity Commissioner, of any property vested in him as a trustee, to—

(a) the original trustee (if any),

(b) any other lawfully appointed trustee, or

(c) any other person, if the court so directs.

(2) Upon such transfer, such property shall vest in such trustee and shall be held by him upon the same terms as those upon which it was held prior to the transfer and the Charity Commissioner shall be exempt from all liability as trustee of such property except in respect of acts done before such transfer :

Provided that in the case of any transfer under this section, the Charity Commissioner shall be entitled to retain out of the property any fees and administrative charges leviable in accordance with the provisions of this Act.

50. *Suits relating to public trusts.*—In any case—

(i) where it is alleged that there is a breach of a public trust,

(ii) where a declaration is necessary that a particular property is a property belonging to a public trust or where a direction is required to recover the possession of such property from any person including a person holding adversely to the public trust, or

(iii) where the direction of the court is deemed necessary for the administration of any public trust,

the Charity Commissioner or two or more persons having an interest in the trust and having obtained the consent in writing of the Charity Commissioner as provided in section 51 may institute a suit whether contentions or not in the court within the local limits of whose jurisdiction, the whole or part of the subject-matter of the trust is situate, to obtain a decree for any of the following reliefs :—

(a) an order for the recovery of the possession of such property,

(b) the removal of any trustee or manager,

(c) the appointment of a new trustee or manager,

(d) a direction for taking accounts and making certain inquiries,

(e) a declaration as to what proportion of the trust property or of the interest therein shall be allocated to any particular object of the trust,

(f) a direction authorising the whole or any part of the trust property to be let, sold, mortgaged or exchanged,

(g) the settlement of a scheme or variations or alterations in a scheme already settled, or

(h) granting such further or other relief as the nature of the case may require :

Provided that no suit claiming any of the reliefs specified in this section shall be instituted in respect of any public trust except in conformity with the provisions thereof.

51. *Consent of Charity Commissioner for institution of suit.*—(1) If the persons having an interest in any public trust intend to file a suit of the nature specified in section 50, they shall apply to the Charity Commissioner in writing for his consent. The Charity Commissioner, after hearing the parties and after making such inquiry as he thinks fit, may within a period of six months from the date on which the application is made, grant or refuse his consent to the institution of such suit. The order of the Charity Commissioner refusing his consent shall be in writing and shall state the reasons for the refusal.

(2) If the Charity Commissioner refuses his consent to the institution of the suit under sub-section (1) the persons applying for such consent may file an appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), in the manner provided by this Act.

(3) In every suit filed by persons having interest in any trust under section 50, the Charity Commissioner shall be a necessary party.

(4) Subject to the decision of the Bombay Revenue Tribunal in appeal under section 71, the decision of the Charity Commissioner under sub-section (1) shall be final and conclusive

52. *Non-application of sections 92 and 93 of Civil Procedure Code to public trusts.*—Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), the provisions of sections 92 and 93 of the said Code shall not apply to the public trusts.

53. *Bequest under will for benefit of public trust.*—(1) Where under any will a bequest has been made in favour of a public trust or where such bequest itself creates a public trust, it shall be the duty of the executor under the will to forward a copy thereof to the Deputy or Assistant Charity Commissioner for the region or sub-region where such will may have been, or is required to be, registered.

(2) No probate of any such will or letters of administration with such

will annexed shall be granted by any Court whatsoever unless it is satisfied that a copy of such will has been forwarded to the Deputy or Assistant Charity Commissioner as provided by sub-section (1).

54. *Dharmada.*—(1) Where according to the custom or usage of any business or trade or the agreement between the parties relating to any transaction any amount is charged to any party to the said transaction or collected under whatever name, as being intended to be used for a charitable or religious purpose the amount so charged or collected shall vest in the person charging or collecting the same as a trustee.

(2) Any person charging or collecting such sums shall within three months from the expiration of the year, for which his accounts are ordinarily kept submit an account in such form as may be prescribed to the Deputy or Assistant Charity Commissioner.

(3) The Deputy or Assistant Charity Commissioner shall have power to make such inquiry as he thinks fit to verify the correctness of the account submitted and may pass order for the disposal of the amount in the manner prescribed.

55. *Uypres.*—(1) If at any time the Charity Commissioner is of opinion that—

(a) the original object for which the public trust was created has failed,

(b) the income or any surplus balance of any public trust has not been utilized or is not likely to be utilized,

(c) it is not in public interest expedient, practicable, desirable, necessary or proper to carry out wholly or partially the original intention of the author of the public trust or the object for which the public trust was created and that the property or the income of the public trust or any portion thereof should be applied to any other charitable or religious object,

(d) in any of the cases mentioned in sections 10 to 13 or in regard to the appropriation of the dharmada sums held in trust under section 54 the directions of the court are necessary,

the Charity Commissioner shall give notice in writing to the trustees to apply to the court within the time prescribed for directions.

(2) If the trustees fail to make the application as required under sub-section (1) or if the Charity Commissioner himself is a trustee or if there is no trustee of the public trust, the Charity Commissioner shall make an application to the court.

56. *Court's power to hear application.*—(1) On such application being made, the court after hearing the parties and making an inquiry shall decide the matter and shall give directions. In giving the directions, the court shall, so far as may be expedient, practicable, desirable or necessary in public interest, give effect to the original intention of the author of the public trust or the object for which the public trust was created. If the Court is of opinion that the carrying out of such intention or object is not wholly or partially expedient, practicable, desirable or necessary in public interest, the court may direct the property or income of the public trust or any portion thereof to be applied *cypres* to any other charitable or religious object. In doing so, it shall be lawful for the court to alter any scheme already settled or to vary the terms of any decree or order already passed in respect of the public trust or the conditions contained in the instrument of the public trust.

(2) Any decision or order passed by the court under sub-section (1)

shall be deemed to be a decree of such court and an appeal shall lie therefrom to the High Court.

CHAPTER VIII.

PUBLIC TRUSTS ADMINISTRATION FUND.

57. *Public Trusts Administration Fund.*—(1) There shall be established a fund to be called the Public Trusts Administration Fund. The Fund shall vest in the Charity Commissioner.

(2) The following sums shall be credited to the said Fund, namely :—

(a) fees and administrative charges leviable under sections 18 and 48 ;

(b) contributions made under section 58 :

(c) the amount from the funds or the portion thereof credited under section 61 ;

(d) any sum received from a private person ;

(e) any sum allotted by the State Government or any local authority ; and

(f) any other sum which may be directed to be credited by or under the provisions of this Act.

58. *Contribution by public trusts to Public Trusts Administration Fund.*—Every public trust shall pay to the Public Trusts Administration Fund annually such contribution on such date and in such manner as may be prescribed :

Provided that the contribution prescribed under this section shall be fixed at the rates in proportion to the gross annual income of the public trust.

59. *Penalties as recovery of ccontribution.*—(1) If the trustee of a public trust (other than the Charity Commissioner) fails to pay the contribution under section 58, he shall be liable to penalties provided in section 66

(2) The Charity Commissioner may also make an order directing the bank in which or any person with whom any moneys belonging to the public trust are deposited to pay the contribution from such moneys as may be standing to the credit of the public trust or may be in the hands of such person or may from time to time be recovered from or on behalf of the public trust by way of deposit by such bank or person and such bank or person shall be bound to obey such order -- Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the public trust in respect of any sum or sums so paid by it or him out of the moneys belonging to the public trust so deposited with the bank or person.

(3) Any bank or person who has been ordered under sub-section (2) to make the payment may appeal to the State Government may, after making such inquiry as it thinks fit, confirm, modify or cancel such order.

60. *Application of Public Trusts Administration Fund* —(1) The Public Trusts Administration Fund shall, subject to the provisions of this Act and subject to the general or special order of the State Government, be applicable to the payment of charges for expenses incidental to the regulation of public trusts and generally for carrying into effect the provisions of this Act.

(2) The custody and investment of the moneys to be credited to the Public Trusts Administration Fund and the disbursement and payment therefrom shall be regulated and made in the prescribed manner.

61 *State Government to direct crediting of funds constituted under any*

Act in Schedule to Public Trusts Administration Fund constituted under this Chapter—On the application of this Act to any public trust or class of public trusts which may have been registered under any of the Acts specified in the Schedule, the State Government may direct that the amount of any fund for the administration of public trusts constituted under the said Act for the region or sub-region in which such public trust or class of public trusts was registered or any portion thereof shall be credited to the Public Trusts Administration Fund constituted under this Chapter.

CHAPTER IX.

Assessors.

62. *Lists of Assessors.*—(1) On such date as may be prescribed, the Deputy or Assistant Charity Commissioner shall prepare lists of persons liable to serve as assessors.

(2) Every person between the ages of 25 and 65 shall, except as may be prescribed by rules, be liable and serve as an assessor under this Act.

(3) In the preparation of the lists, regard shall be had to the property, character, education, and religion of persons whose names are entered therein.

(4) The lists so prepared shall be submitted to the Charity Commissioner and when approved by him shall be published in the *Official Gazette*.

(5) The lists published under sub-section (4) shall be in operation for a period of three years:

Provided that the Charity Commissioner may before the expiry of the said period direct any additions or alterations to be made therein.

(6) The lists published under sub-section (4) shall, notwithstanding anything contained in sub-section (5), be deemed to be valid and in operation for a further period of one year or until new lists are prepared in substitution thereof, whichever period expires first.

63. *Person summoned to attend at the time and place specified.*—Every person summoned to serve as an assessor by the Deputy or Assistant Charity Commissioner shall attend at the time and place when and where he is so summoned to attend, unless he is prevented from such attendance by a reasonable excuse.

64. *Cases in which assessors shall be summoned.*—In the following proceedings assessors shall be summoned to assist and advise the Charity Commissioner, Deputy or Assistant Charity Commissioner, as the case may be, namely:—

(a) an inquiry for the registration of a public trust under section 19 or an inquiry regarding a change in any of the particulars relating thereto under section 22;

(b) an inquiry regarding any of the public trusts registered under any of the Acts specified in the Schedule under section 28;

(c) an inquiry regarding the loss caused to a public trust in consequence of the act or conduct of a trustee or any other person under section 40;

(d) any other inquiry in which by rules or a general or special order made by the State Government in this behalf, the assessors are required to assist and advise the Charity Commissioner, the Deputy or Assistant Charity Commissioner or any other officer appointed under this Act.

65. *Number of assessors to be called.*—(1) The Deputy or Assistant Charity Commissioner shall choose such number of assessors not less than

three and not more than five as he deems fit to aid and assist him. In any inquiry relating to a public trust which is for the benefit of the members belonging to a particular religious denomination, the assessors chosen shall, as far as may be practicable, belong to the said religious denomination.

(2) At the conclusion of the inquiry he shall record their opinion in writing and require them to sign it. The opinion so recorded shall form part of the proceedings and due consideration shall be given to it in passing an order or arriving at a decision or making a report in the inquiry.

(3) If in the course of any inquiry at any time before its conclusion, any assessor is from any sufficient cause, prevented from attending throughout the inquiry or absents himself and it is not practicable to enforce the attendance, the inquiry may be proceeded with the aid of the other assessor or assessors.

(4) If all the assessors are prevented from attending or absent themselves, without sufficient cause, the inquiry shall be proceeded with the aid of fresh assessors :

Provided that if the Deputy or Assistant Charity Commissioner holding the inquiry is satisfied that for sufficient and adequate reasons the inquiry need not be delayed, he shall complete the inquiry and shall report the matter to the Charity Commissioner.

(5) The assessors shall be entitled to such allowances as may be prescribed.

CHAPTER X

Offences and Penalties

66. *Penalty.*—Whoever contravenes any provision of any of the sections mentioned in the first column of the following table shall, on conviction, for each such offence, be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as the definitions of offences described in the sections mentioned in the first column or even as abstracts of those sections, but are inserted merely as reference to the subject of the sections, the numbers of which are given in the first column :

Table

Section 1		Subject 2	Fine which may be imposed 3
Section 18	...	Duty of a trustee to make an application for the registration of a public trust within the time provided.	Rs. 1,000
Section 22	...	Failure to report a change ...	Rs. 1,000
Section 27	...	Duty of the trustee to stamp or indorse scrips.	Rs. 1,000
Section 29	...	Duty of an executor to apply for the registration of a public trust within the time provided for.	Rs. 1,000
Section 32	...	Duty to keep regular accounts ...	Rs. 1,000
Section 33	...	Failure or omission to invest money in public securities.	Rs. 1,000
Section 59	...	Failure to pay contribution under section 58 by a trustee (other than the Charity Commissioner).	Rs. 1,000
Section 63	...	Requiring an assessor to attend ...	Rs. 500.

67. *Other offences.*—Whoever contravenes any of the provisions of this Act or the rules for which no specific penalty has been provided by this Act, shall, on conviction, be punished with fine which may extend to Rs. 500.

CHAPTER XI

FUNCTIONS OF CHARITY COMMISSIONERS, PROCEDURE, JURISDICTION AND APPEALS.

68. *Duties, functions and powers of Deputy or Assistant Charity Commissioner* —For the purposes of this Act, the following shall be the duties and functions to be performed and powers to be exercised by the Deputy or Assistant Charity Commissioner for the region or sub-region for which he is appointed, namely :—

(a) to keep and maintain such books, entries and other documents as may be prescribed under section 17 :

(b) to hold an inquiry under section 19 or 22 for any of the purposes mentioned in the said section ;

(c) to record entries in the register kept under section 17 and to make amendments in the said entries under section 22 ;

(d) to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 ;

(e) to permit inspection of any statement, notice, intimation, account, audit note or any other document ;

(f) to prepare a list of assessors under section 62 and to choose and summon them under sections 63 and 65 for the purpose of inquiries under this Act ;

(g) to exercise such other powers and to perform such other duties and functions as may be prescribed.

69. *Duties, functions and powers of Charity Commissioner.*— For the purposes of this Act, the following shall be the duties to be performed and powers to be exercised by the Charity Commissioner, namely :—

(a) the general superintendence of the administration and carrying out the purposes of this Act under section 3 ;

(b) power to entertain and dispose of appeals from the findings of a Deputy or Assistant Charity Commissioner under sections 20, 22 or 23 :

(c) power to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry relating to the registration of any public trust under section 25 ;

(d) power to direct a special audit of the accounts of a public trust under section 33 ;

(e) power to require an auditor to forward to him a copy of a balance sheet and income and expenditure account under section 34 :

(f) power to permit a trustee to invest money of a public trust in any manner other than in public securities under section 35 ;

(g) power to sanction a sale, mortgage, exchange, gift or lease of immovable property belonging to a public trust under section 36 :

(h) power to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee, and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 :

(i) power to hold an inquiry in regard to any loss caused to a public trust under section 40, and to order a surcharge under section 41 ;

(j) power to act as the Treasurer of Charitable Endowments under

the Charitable Endowments Act, 1890 (VI of 1890), under section 43 ;

(k) power to act as a trustee of a public trust ;

(l) power to file a suit under section 50 ;

(m) power to give or refuse consent to the institution of a suit under section 51 ;

(n) power to give notice to trustees for the *cypres* application of the trust money and to make an application to the court under section 55 ;

(o) power to publish the lists of assessors under section 62 ;

(p) to exercise such other powers and perform such other duties and functions as may be prescribed.

70. *Appeals from findings of Deputy or Assistant Charity Commissioner.*—(1) An appeal against the finding of the Deputy or Assistant Charity Commissioner may be filed to the Charity Commissioner in the following cases :—

(a) the finding under section 20 ;

(b) the finding under section 22 ;

(c) the finding under section 28 ;

(d) the order under sub-section (3) of section 54.

(2) No appeal shall be maintainable after the expiration of sixty days from the recording of the finding or the passing of the order, as the case may be.

(3) The Charity Commissioner may, after hearing the appellant or any person appearing on his behalf, for reasons to be recorded in writing either annul, reverse, modify or confirm the finding or the order appealed against or he may direct the Deputy or Assistant Charity Commissioner to make further inquiry or to take such additional evidence as he may think necessary or he may himself take such additional evidence.

71. *Appeal to Bombay Revenue Tribunal.*—(1) The appeal to the Bombay Revenue Tribunal under sub-section (2) of section 51 against the decision of the Charity Commissioner refusing consent to the institution of the suit shall be filed within sixty days from the date of such decision in such form and shall be accompanied by such fee as may be prescribed.

(2) The Bombay Revenue Tribunal, after making such inquiry as it thinks fit may confirm, revoke or modify the decision of the Charity Commissioner.

(3) The decision of the Bombay Revenue Tribunal shall be final and conclusive.

72 *Application from Charity Commissioner's decision under section 40, 41, or 70, etc.*—(1) Any person aggrieved by the decision of the Charity Commissioner under section 40, 41 or 70 or on the questions whether a trust is a public trust or whether any property is the property of such trust under Chapter IV may, within sixty days from the date of the decision, apply to the court to set aside the said decision.

(2) The court after taking such evidence as it thinks necessary may confirm, revoke or modify the decision or remit the amount of the surcharge and make such orders as to costs as it thinks proper in the circumstances.

(3) Pending the disposal of an application under sub-section (2), all proceedings for surcharge shall be stayed if the person aggrieved makes out a *prima facie* case for a stay order.

(4) An appeal shall lie to the High Court against the decision of the court under sub-section (2) as if such decision was a decree from which an appeal ordinarily lies.

73 *Officers holding inquiries to have powers of civil court.*—In holding

inquiries under this Act, the officer holding the same shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908 (V of 1908), in trying a suit—

(a) proof of facts by affidavits,

(b) summoning and enforcing the attendance of any person and examining him on oath,

(c) compelling the production of documents,

(d) issuing of commissions.

74. *Inquiries to be judicial inquiries.*—All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

75. *Limitation.*—In computing the period of appeal under this Chapter, the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeals.

76. *Civil Procedure Code to apply to proceedings under this Act.*—Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908 (V of 1908), shall apply to all proceedings before the court under this Act.

77. *Recovery of sums due under section 18, 41 or 48 or rules.*—All sums payable under section 18, 41 or 48 or under any rule, if not paid, shall notwithstanding anything contained in any law, be recoverable as an arrear of land revenue.

CHAPTER XII.

MISCELLANEOUS.

78. *Charity Commissioner and other officers and assessors to be public servants.*—The Charity Commissioner, Deputy and Assistant Charity Commissioners, Inspectors and other subordinate officers and Assessors appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

79. *Decision of property as public trust property.*—(1) Any question, whether or not a trust is a public trust or a particular property is the property of such trust, shall be decided by the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal as provided by this Act.

(2) The decision of the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal, as the case may be, shall, unless set aside by the decision of the court in appeal or of the High Court in further appeal, be final and conclusive.

80. *Bar of jurisdiction.*—Save as expressly provided in this Act, no civil court shall have jurisdiction to decide or deal with any question which is by or under this Act to be decided or dealt with by any officer or authority under this Act, or in respect of which the decision or order of such officer or authority has been made final and conclusive.

81. *Indemnity from suits and proceedings.*—(1) No suit, prosecution or other proceeding shall be instituted against the State Government or any officer or authority in respect of anything in good faith done or purporting to be done under this Act.

(2) Subject to the provisions of sub-section (1), no suit under section 50 shall, without the previous sanction of the State Government, be instituted against the Charity Commissioner in respect of a public trust of which he has been authorised to act as a trustee.

82. *Trial of offences under this Act.*—No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try an offence punishable under this Act.

83. *Previous sanction of Charity Commissioner necessary for prosecution.*—No prosecution for an offence punishable under this Act, shall be instituted without the previous sanction of the Charity Commissioner.

84. *Rules.*—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely :—

(a) the manner of publishing the notification under sub-section (4) of section 1 ;

(b) the powers, duties and functions of the officers other than the Charity Commissioner, Deputy and Assistant Charity Commissioners appointed under this Act in addition to those provided for in this Act ;

(c) the powers, duties and functions of assessors in addition to those provided for in this Act ;

(d) the limits of regions and sub-regions to be prescribed under sub-section (1) of section 14 ;

(e) the books, indices and registers to be kept and maintained in a Public Trusts Registration Office, and the particulars to be entered in such books, indices and registers under section 17 ;

(f) the form in which an application for the registration of a public trust is to be made and the fee to be paid for the same, the other particulars to be entered therein and the manner in which an application for such registration is to be signed and verified and the value and kind of trust property in respect of which it shall not be necessary to give particulars under section 18 ;

(g) the manner in which an inquiry has to be made by the Deputy or Assistant Charity Commissioner under sections 19 and 39 ;

(h) the form in which the Deputy or Assistant Charity Commissioner has to make a report regarding the change under section 22 ;

(i) the book in which the Deputy or Assistant Charity Commissioner shall make an entry under section 23 ;

(j) the manner of stamping or indorsing on the scrips under sub-section (1) of section 27 ;

(k) the particulars to be entered in the accounts under sub-section (2) of section 32 and the fee to be paid for special audit under section 33 ;

(l) the manner of notifying contents of the will under section 46 ;

(m) the administrative charges to be levied under sub-section (1) of section 48 ;

(n) the form of account to be submitted under sub-section (2), and the manner of passing order under sub-section (3), of section 54 ;

(o) the time within which trustees may apply to the court for directions under sub-section (1) of section 55 ;

(p) the date on which and the manner in which and the amount of contribution which every public trust shall pay annually under section 58 and the manner in which the custody and investment of, and the disbursement and payment from, such fund shall be made under section 60 ;

(q) the date on which the Deputy or Assistant Charity Commissioner shall prepare a list of assessors under sub-section (1), and the persons who may be exempted to serve as assessors under sub-section (2), of section 62 ;

(r) the allowances to be paid to assessors under sub-section (5) of section 65 ;

(s) the other powers, duties and functions to be exercised and performed by a Deputy or Assistant Charity Commissioner under section 68 ;

(t) the other powers, duties and functions to be exercised and performed by the Charity Commissioner under section 69 ;

(u) the form of appeal and the fee to be paid for filing such appeal under section 71 ;

(v) the custody and investment of the money to be credited to the Public Trusts Administration Fund and the disbursement and payment therefrom ;

(w) any other matter which is to be or may be prescribed under this Act.

(3) All rules made under this section shall be subject to the condition of previous publication.

85. *Repeal.*—(1) The Religious Endowments Act, 1863 (XX of 1863), is hereby repealed.

(2) On the application of the provisions of this Act to any public trust or class of public trusts, under sub-section (4) of section 1, the provisions of the Act specified in the Schedule which apply to such trust or class of trusts shall cease to apply to such trust or class of trusts.

(3) Such repeal or cessation shall not in any way affect—

(a) any right, title, interest, obligation or liability already acquired, accrued or incurred before the date of the application of this Act,

(b) any legal proceedings or remedy in respect of such right, title, interest, obligation or liability, or

(c) anything duly done or suffered before the date of the application of this Act.

Schedule.

(*See* Sections 28, 61, 64 and 65.)

1. The Charitable and Religious Trusts Act, 1920 (XIV of 1920.)
2. The Mussalman Wakf Act, 1923 (XLII of 1923), as amended by Bombay Act XVIII of 1935.
3. The Bombay Public Trusts Registration Act, 1935 (Bom. XXV of 1935).
4. The Parsi Public Trusts Registration Act, 1936 (Bom. XXIII of 1936).
5. The Baroda Public Institutions Act (Baroda Act No. VI of Samvat 1961).
6. The Religious Endowments Act, 1863 (XX of 1863), as applied to the Jamkhandi State in 1890.
7. The Deosthan Rules, 1912 of the Jamkhandi State as amended by Jamkhandi Act No. I of 1948.

The Bombay Pargana and Kulkarni Watans (Abolition) Act, 1950.

The following Act of the Bombay Legislature has been assented to by the President on the 19th January 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 25th January 1950.

Bombay Act No. LX of 1950.

An Act to abolish Pargana and Kulkarni Watans in the State of Bombay.

WHEREAS—

(1) the services appertaining to the office of hereditary District (Pargana) Officers [except in one case referred to in clause (2) below] and to the office of certain hereditary village accountants (Kulkarnis) have ceased to be performed ;

(2) the services appertaining to the Deshpande watan of Nimbayat mahal in Malegaon taluka of the Nasik District in respect of which com-

mutation settlement has not yet been effected, are no longer required ;

(3) the services appertaining to the remaining hereditary village accountants' Kulkarni watans also are no longer required to be performed ;

AND WHEREAS it is expedient in the interest of the administration of the State to abolish the Pargana and Kulkarni watans and to make provisions for the performance of functions of some of those offices ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Pargana and Kulkarni Watans (Abolition) Act, 1950.

(2) It extends to the whole of the State of Bombay excluding the merged territories.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify in this behalf.

2. *Definitions.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "appointed day" means the day on which this Act comes into force ;

(b) "Code" means the Bombay Land Revenue Code, 1879 (Bom. V of 1879) ;

(c) "commutation settlement" means a settlement made or confirmed under the provisions of the Watan Act relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(d) "Kulkarni watan" means a watan appertaining to the office of a village accountant and includes a watan appertaining to the said office in respect of which a commutation settlement has been effected ;

(e) "Pargana watan" means a watan appertaining to the office of a hereditary District (Pargana) Officer in respect of which a commutation settlement has been effected and includes the Deshpande watan of the Nimbayat mahal in Malegaon taluka of Nasik District ;

(f) "prescribed" means prescribed by rules made under this Act ;

(g) "Watan Act" means the Bombay Hereditary Offices Act, 1874 (Bom. III of 1874) ;

(k) "Watan land" means the land forming part of the property of a Pargana or Kulkarni watan.

(2) The words and expressions used in this Act shall have the meanings assigned to them in the Watan Act and in the Code, as the case may be, notwithstanding the fact that the provisions of the said Act or Code may not be applicable.

3. *Abolition of certain watans together with the right to office and incidents.*—With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(1) all Pargana and Kulkarni watans shall be deemed to have been abolished ;

(2) all rights to hold office and any liability to render service appertaining to the said watans are hereby extinguished ;

(3) subject to the provisions of section 4, all watans land is hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if it were an unalienated land :

Provided that such resumption shall not affect the validity of any alienation of such watan land made in accordance with the provisions of section 5 of the Watan Act or the rights of an alienee thereof any person

claiming under or through him ;

(4) all incidents appertaining to the said watans are hereby extinguished.

4. *Holder of watan land to be occupant.*—(1) A watan land resumed under the provisions of this Act shall be regranted to the holder of the watan to which it appertained, on payment of the occupancy price equal to twelve times of the amount of the full assessment of such land within two years from the date of the coming into force of this Act and the holder shall be deemed to be on occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; all the provisions of the Code and rules relating to unalienated land shall, subject to the provisions of this Act, apply to the said land :

Provided that in respect of the watan land which has not been assigned towards the emoluments of the officiator, occupancy price equal to six times of the amount of the full assessment of such land shall be paid by the holder of the land for its regrant :

Provided further that if the holder fails to pay the occupancy price within the period of two years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(2) The occupancy of the land regranted under sub-section (1) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

(3) Nothing in sub-section (2) shall apply to any land—

(a) the commutation settlement in respect of which provides expressly that the land appertaining to the watan shall be alienable without the sanction of the State Government ; or

(b) which has been validly alienated with the sanction of the State Government under section 5 of the Watan Act.

Explanation.—For the purposes of this section the expression "holder" shall include—

(i) all persons who on the appointed day are the watandars of the same watan to which the land appertained, and

(ii) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining thereto, a person in whom the ownership of such land for the time being vests.

5. *Special rule of succession to be void.*—Any provision of law, usage or practice relating to the succession to any watan land whereby contrary to the personal law governing the parties the rule of primogeniture was followed and the female heirs were postponed in favour of male heirs, shall, on and from the appointed day, be void and cease to be in force.

6. *Continuation of cash allowance.*—Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order,—

(1) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day of a watan in respect of which a commutation settlement has been effected, shall be paid to such holder ;

(2) in the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, a sum equal to the amount of such land revenue shall be paid annually to the holder during the period of his life :

Provided that if such holder dies before the expiry of ten years from

the appointed day such sum shall be paid annually to his heir or heirs entitled to receive the same under the terms of the settlement until the expiry of the said period of ten years.

Explanation.—For the purposes of this section the expression "holder" shall have the same meaning as is assigned to it in sub-section (4) of section 15 of the Watan Act.

7. *Compensation to the representative watandar.*—(1) A person who has been registered as a representative watandar immediately before the appointed day and who in consequence of the coming into force of this Act ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant shall be entitled to receive annually as compensation a sum equal to one-third of the total amount of the emoluments payable annually in cash to the representative watandar performing such service in the year immediately preceding the year in which this Act comes into force :

Provided that in cases where there are more than one person registered as representative watandars each of such persons shall be entitled to receive such sum in proportion to his share in watan.

(2) The sum so payable annually shall be paid to the representative watandar for a period of twenty-one years from the appointed day and if such representative watandar dies within the said period of twenty-one years, such sum shall be paid annually to his heir or heirs until the expiry of the said period of twenty-one years :

Provided that if the representative watandar so elects within one year from the coming into force of this Act, a sum equal to seven times the sum so payable annually shall be paid to the representative watandar in non-transferable bonds repayable by the State Government after the expiry of seven years from the coming into force of this Act and carrying interest at three per cent. per annum.

Explanation.—For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.

8. *Application of Bombay Tenancy and Agricultural Lands Act, 1948.*—If any watan land has been lawfully leased and such lease is subsisting on the appointed day, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act.

Explanation.—For the purposes of this section the expression 'land' shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948)

9. *Method of compensation for the abolition etc. of other rights in land.*—(1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act such person may apply to the Collector for compensation.

(2) An application under sub-section (1) shall be made to the Collector in a prescribed form within six months from the appointed day. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and

according to the method provided for in sections 23(1) and 24 of the Land Acquisition Act, 1894 (I of 1894).

(3) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected to the payment of full assessment in accordance with the provisions of the Code.

(4) Any person aggrieved by the award of the Collector made under sub-section (2) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), within 60 days from the date of the award.

(5) In deciding appeals under sub-section (4) the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follows the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908 (V of 1908).

(6) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the appeals made under this section.

10. *Court fees.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

11. *Finality of award of Collector and decision of Revenue Tribunal.*—The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

12. *Inquiries and proceedings to be judicial proceedings.*—All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

13. *Rules.*—The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

14. *Discontinuance of application of and amendment of certain laws.*—(1) The provisions of the enactment specified in Schedule I shall cease to apply to Paragana and Kulkarni watans.

(2) The provisions of the enactment specified in Schedule II shall be amended to the extent specified in column 4 of the said Schedule.

(3) Nothing in sub-sections (1) and (2) shall be deemed to affect—

(a) any obligation or liability already incurred before the coming into force of this Act ;

(b) any proceeding in respect of such obligation or liability ;

(c) anything done in the course of such proceeding in any Court on the aforesaid date, and any such proceeding may be continued, as if this Act had not been passed.

SCHEDULE I.

ENACTMENTS WHICH SHALL CEASE TO APPLY TO PARGANA AND KULKARNI WATANS

(Section 14.)

Year.	No.	Short title	Extent of cessation of application.
1852	XI	The Bombay Rent-free Estates Act, 1852.	The whole Act ceases to apply.
1863	II	The Exemptions from Land-revenue No. (1) Act, 1863.	Do.
1863	VII	The Exemptions from Land-revenue No. (2) Act, 1863.	Do.
1874	III	The Bombay Hereditary Offices Act, 1874.	Do.
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886.	Do.

SCHEDULE II.

ENACTMENT AMENDED.

(Section 14.)

Year.	No.	Short title	Extent of amendment.
1879	V	The Bombay Land Revenue Code, 1879.	(i) For section 16 the following shall be substituted, namely :— "**16.** *Appointment of village accountant and stipendiary patel.*—It shall be lawful for the State Government to appoint a village accountant for a village or a group of villages. In villages where no hereditary patel exists, it shall be lawful for the State Government to appoint a stipendiary patel. The village accountant and the patel shall perform all the duties including the duties of village accountant or hereditary patel as hereinafter prescribed by this Act or any other law for the time being in force and shall hold their situations under the rules in force with regard to subordinate revenue Officers. Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of patels and village accountants in any alienated or other villages."; (ii) In sections 58, 85 and 94A for the words "hereditary village accountant", or "hereditary accountant", wherever they occur, the words "village accountant", or "accountant", as the case may be, shall be substituted.

The Bombay Sugar Cane Cess (Amendment) Act, 1950.

The following Act of the Bombay Legislature has been assentd to by the President on the 19th January 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 25th January 1951.

Bombay Act No. LXI of 1950.

An Act to amend the Bombay Sugarcane Cess Act, 1948.

WHEREAS it is expedient to amend the Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948), for the purposes hereinafter appear-

ing; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Sugarcane Cess (Amendment) Act, 1950.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of section 2 of Bom. LXXXII of 1948.*—In section 2 of the Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948) (hereinafter referred to as the said Act), for clause (5), the following clause shall be substituted, namely :—

"(5) 'ton' means a ton of 2,240 pounds (avoirdupois);".

3. *Amendment of section 4 of Bom. LXXXII of 1948.*—In section 4 of the said Act,—

(1) for the words "six annas per maund" the words "ten rupees per ton" shall be substituted ;

(2) the following proviso shall be added at the end, namely :—

"Provided that for the purposes of levying the cess, there shall be deducted from the gross weight of sugarcane entering into the local area during any month for consumption or use, such proportion thereof as may be prescribed representing the average weight of the tops of the sugarcane plant consisting of pith devoid of any sugar content and leaves and other trash usually present in the sugarcane and the cess shall be levied only on the remaining weight of the sugarcane after such deduction has been made."

4. *Amendment of section 6 of Bom. LXXXII of 1948.*—In section 6 of the said Act, in sub-section (1),—

(1) for the word "maunds" the word "tons" shall be substituted ;

(2) for the words "consumed or used by his factory" the words "which entered into the local area comprised in his factory for consumption or use therein" shall be substituted.

5. *Amendment of section 14 of Bom. LXXXII of 1948.*—In section 14 of the said Act, in sub-section (2), after the words "following matters, namely :—" the following clause shall be inserted, namely :—

"(i-a) the proportion of the gross weight of sugarcane for the purposes of deduction under the proviso to section 4;".

6. *Deletion of Chapter IV of Bom. LXXXII of 1948.*—Chapter IV of the said Act shall be deleted :

Provided that the deletion of the said Chapter shall not affect any obligation or liability already accrued or incurred or any proceeding or remedy in respect of such obligation or liability or anything done or suffered to be done under the said Chapter before the Bombay Sugarcane Cess (Amendment) Act, 1950 (Bom. LXI of 1950), comes into force.

The Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 23rd March 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 27th March 1951.

Bombay Act No. I of 1951.

An Act to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

WHEREAS it is expedient to provide for the continuance of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), for a further period till the 1st day of April 1953 in so far as the said Act relates to matters with respect to which the State Legislature has

power to make laws; It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951.

(2) It extends to the whole of the State of Bombay.

2. *Continuance of Act XVII of 1947 subject to certain modifications.*—Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947) hereinafter called the said Act, the provisions of the said Act, in so far as they relate to matters with respect to which the State Legislature has power to make laws, shall, subject to the modifications specified in section 3, continue to remain in force after 31st March 1951 and shall cease to have effect on the 1st day of April 1953 except as respects things already done or omitted to be done before the expiration thereof, and section 7 of the Bombay General Clauses Act, 1904 (Bom. of 1904), shall apply upon the expiry of the said Act as if it had then been repealed by a Bombay Act.

3. *Modifications in Act XVII of 1947.*—(1) References in the said Act to requisitioned land shall be construed as references to such land which after the commencement of the Constitution could have been requisitioned by the State Government and references to appropriate Government shall in relation to such requisitioned land be construed as references to the State Government.

(2) In sub-section (3) of section 6 of the said Act, after the words "in force" the following words shall be inserted, namely :

"subject to the modification that for the words 'Central Government" wherever they occur, the words 'State Government' shall be substituted."

The Bombay Local Boards (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 26th March 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 30th March 1951.

Bombay Act No. II of 1951.

An Act to amend the Bombay Local Boards Act, 1923.

WHEREAS it is expedient to amend the Bombay Local Boards Act, 1923 (Bom. VI of 1923), for the purposes hereinafter appearing ; It is hereby enacted as follows :

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1951.

2. *Amendment of section 36 of Bombay VI of 1923.*—In section 36 of the Bombay Local Boards Act, 1923 (Bom. VI of 1923) (hereinafter refered to as the said Act), for sub-section (1), the following shall be substituted, namely :—

"(1) Every local board shall appoint a standing committee, consisting of such number of members not being more than nine and not less than five as the Board may determine :

Provided that in the case of a local Board having forty-five or less number of members the standing committee shall consist of not more than seven members."

3 *Amendment of section 82 of Bom. VI of 1923.*—In section 82 of the said Act, in sub-section (2), for the words "one hundred rupees" the words "two hundred rupees" shall be substituted.

4. *Saving.*—Nothing in section 2 shall affect the constitution of the standing committee of any local board as appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a member of such committee before the

expiry of its term shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

The Bombay Khar Lands (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 27th March 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 30th March 1951.

Bombay Act No. III of 1951

An Act to amend the Bombay Khar Lands Act, 1948.

WHEREAS it is expedient to amend the Bombay Khar Lands Act, 1948 (Bom. LXXII of 1948), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Khar Lands (Amendment) Act, 1951.

2. *Insertion of new sections 17A and 17B in Bom. LXXII of 1948.*—After section 17 of the Bombay Khar Lands Act, 1948 (Bom. LXXII of 1948) (hereinafter referred to as the said Act), the following sections shall be inserted, namely :—

"17A. *Power to vary scheme.*—(1) (a) If after the scheme has come into force, the Board considers that the scheme is defective on account of an error, irregularity or informality, the Board may apply to the State Government for the variation of the scheme, in the manner specified in the application.

(b) If the State Government is satisfied that the variation proposed by the Board is on account of an error, irregularity or informality, which does not vary the scheme in any material particulars, the State Government may, by a notification in the *Official Gazette*, sanction the variation.

(2) If the State Government is satisfied that the variation proposed by the Board varies the scheme in any material particulars, the State Government shall require the Board to follow the provisions of sections 13, 14 and 15 in respect of such variation, and the provisions of sections 13, 14 and 15 shall apply in relation to such variation, as if such variation was itself a scheme.

17B. *Variation to form part of the scheme* —The variation sanctioned under section 17A shall take effect on the date on which the notification is published in the *Official Gazette* under clause (b) of sub-section (1) of section 17A or on the date on which the variation is published under sub-section (3) of section 15, as the case may be, as if it were incorporated in the scheme."

3. *Amendment of sections 17 and 18 of Bom. LXXII of 1948.*—In sections 17 and 18 of the said Act, for the word and figures "section 16" the words "this Act" shall be substituted.

4. *Amendment of section 25 of Bom. LXXII of 1948.*—In sub-section (1) of section 25 of the said Act, after the words and figures "under section 16" the words, figures and letters "or the variation of which has been sanctioned under section 17A and has taken effect as if it were incorporated in the scheme under section 17B" shall be inserted.

The Bombay Appropriation Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 30th March 1951 and was published in the *Bombay Government Gazette*, Part IV. dated the 30th March 1951.

Bombay Act No. IV of 1951

An Act to authorise payment and appropriation of certain sums from

and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March, 1952 ; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows :

1. *Short title.*—This Act may be called the Bombay Appropriation Act, 1951.

2. *Issue of Rs. 2,09,57,46,000 out of the Consolidated Fund of the State of Bombay for the year 1951-52.*—From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 2,09,57,46,000 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1952, in respect of the services and purposes specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thiry-first day of March, 1952.

SCHEDULE

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[For Schedule, see *Bombay Government Gazette*, Part IV, dated the 30th March 1951, pages 21-24. *Editor*.]

The Bombay (Supplementary) Appropriation Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 30th March 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 30th March 1951.

Bombay Act No. V of 1951

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted as follows :

1. *Short title.*—This Act may be called the Bombay (Supplementary) Appropriation Act, 1951.

2. *Issue of Rs. 17,32,36,228 out of the Consolidated Fund of the State of Bombay for the year 1950-51.*—From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 17,32,36,228 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951.

* * * *

[For Schedule, see *Bombay Government Gazette*, Part IV, dated the 30th March 1951. *Editor*.]

The Bombay Watwa Vazifdari Rights Abolition Act, 1950.

The following Act of the Bombay Legislature has been assented to by the President on the 17th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April 1951.

Bombay Act No. LXII of 1950.

An Act to abolish the Vazifdari rights in the village of Watwa in the Daskroi taluka in the District of Ahmedabad.

WHEREAS the management of the village of Watwa in the Daskroi taluka in the District of Ahmedabad was entrusted by Government to Sayad Baramiya, Chief Vazifdar and the other Sayal Vazifdars on certain conditions under an agreement ; Whereas the period of the last of such agreement expired in the year 1919-20 ; Whereas thereafter the management of the village was continued with the Vazifdars ; Whereas in the year 1949 the Government of Bombay resumed the management of the said village, but whereas after the resumption the Vazifdars continue to hold certain rights in the said village ;

AND WHEREAS it is necessary and expedient in public interest to abolish the said rights ; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Watwa Vazifdari rights Abolition Act, 1950.

(2) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Vazifdar" means Sayad Baramiya, Chief Vazifdar of the village of Watwa in the Daskroi taluka in the District of Ahmedabad or any of the Sayad descendants of Sayad Kudba Alum recognized as Vazifdars under the Vazifdari agreement ;

(b) "Vazifdari agreement" means the agreement set out in the Schedule appended to this Act.

3. *Abolition of Vazifdari rights.*—With effect from and on the date on which this Act comes into force,—

(a) all Vazifdari rights in and with respect to the village of Watwa in the Daskroi taluka in the District of Ahmedabad legally subsisting on the said date shall be deemed to have been abolished ;

(b) in particular, no Vazifdar or any person claiming through or under him shall be entitled to any of the following rights to which he may have been entitled under article XVIII of the Vazifdari agreement, namely :—

(i) three annas in every nineteen annas of the net collections of the land revenue on cultivated lands in the village of Watwa ;

(ii) Bagayat Kassar on wells sunk by the Vazifdars ;

(iii) the profit on trees, that is, six-annas share from fruit. bearing trees.

4. *Method of compensation on the abolition of Vazifdari rights.*- (1) If a Vazifdar or any other person claiming through or under him is aggrieved by any of the provisions of this Act, as extinguishing or abolishing any of his rights under the Vazifdari agreement, the Vazifdar or such person may apply to the Collector for compensation.

(2) Such application shall be made, in the form prescribed by rules

made under this Act, within six months from the date on which this Act comes into force.

(3) The Collector shall after holding a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879 (Bom. V of 1879), determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly :

Provided that the amount of compensation for the abolition of such rights mentioned in clause (b) of section 3 shall not exceed three times the average of the amount proved to have been realised annually by the Vazifdar or such person during five years immediately before the date on which this Act comes into force in respect of his share :

Provided further that in determining the amount of compensation for any other right proved to have been abolished by the provisions of this Act, the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (I of 1894).

5. *Appeal against the Collector's award.*—(1) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939).

(2) In deciding appeals under this section, the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908 (V of 1908).

6. *Limitation.*—Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeal.

7. *Court fees.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every appeal made under this Act to the Bombay Revenue Tribunal shall bear a Court-fee stamp of such value as may be prescribed by rules made under this Act.

8. *Finality of award of Collector and decision of Revenue Tribunal.*—The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

9. *Inquiries and proceedings to be judicial proceedings.*—All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

10. *Rules.*—The State Government may, by notification in the *Official Gazette*, make rules for the purposes of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.

SCHEDULE

MEMORANDUM of an agreement made and concluded on the 15th day of July 1898 between the Secretary of State for India on the one part and Syad Barra Meea, Chief Wazifdar of the village of Watwa in the Daskroi Taluka of the Ahmedabad District and the whole body of Syad Wazifdars (collectively and individually) having shares in the said village of Watwa for himself and themselves and his and their heirs and assigns, on the other part, through P. J. Mead, Esquire, Acting Collector of Ahmedabad.

The name and designation "Barra Meea" used throughout this agreement shall be understood to mean the chief Wazifdar or head of Syad community; and the word "Wazifdar" shall include the whole body of Syads, descendants of "Kudba Alum," their heirs and successors, co-sharers with the said Barra Meea or chief Wazifdar for the time being.

ARTICLE I

The Secretary of State for India hereby entrusts the management of the said village of Watwa (exclusive of the alienated lands as entered in the appended list) to the said Barra Meea, Wazifdar, for himself and on the part of the Wazifdars for 21 years, being the full unexpired portion of the Revenue Survey lease in the taluka Daskroi (that is to say), from 1898-99 A. D. (that is, Samvat 1955) to 1919-20 A.D. (that is, Sambat 1976), on the conditions below recorded.

ARTICLE II

The amount of the annual jamabandi to be paid to Government by the said Syad Barra Meea is fixed at Rs. 9,500 (nine thousand and five hundred rupees) only.

ARTICLE III

The Barra Meea hereby agrees to pay the amount of jamabandi fixed in Article II of this agreement in two equal instalments. The first instalment to be paid on the 20th January and the second on 20th March. The whole of the Local Fund to be paid along with the first instalment.

In default of Barra Meea paying the said jamabandi, such of the said co-sharers as may be present and able, or his or their heirs, will make the payment without any pretence to remission on account of the responsibility of co-sharers. In case the said Barra Meea or his co-sharers, or his or their heirs, as assigns, should fail to do so, Government may adopt the measure for the collection of the revenue as prescribed by the Land Revenue Code and in any other Regulations and Acts which have been or may be passed, and he and the other co-sharers and his and their heirs and assigns will abide by the same, and in default of due payment being made by the parties aforesaid, or by any one of them, Government may resume the management of the said village without any objection on the part of Barra Meea or the Wazifdars or any other person on their behalf.

ARTICLE IV

The whole of the water assessment imposed by the Revenue Survey Department on land watered from wells or on wells independent of any land they may water, shall be enjoyed by the said Syad Barra Meea and the Wazifdars, and if water is taken on land not charged with water assessment from a well in respect of which water assessment is leviable, then water assessment shall be chargeable on such land.

In respect of wells which have fallen into disuse and in respect of which water assessment has been imposed, the Syads shall, within two years, from the 1st August 1898, put the well into such a state of repair that it shall be capable of holding water and supplying water for irrigation: provided (1) that rubbish which may have accumulated in the well shall be taken out at the expense of the cultivator, (2) that the mathalun shall be made at the expense of the cultivator. If the Syads fail so to put a disused well into repair within two years from the 1st August 1898, the water assessment imposed on account of such well on all lands charged to water-rate on such account shall be cancelled.

After two years from the 1st of August 1898, that is, after the 1st of August, 1900, the responsibility of keeping in good repair wells in use at that date shall lie on the cultivators and no deduction shall be made from

the water rate imposed on account of such wells on the ground of their falling into disrepair after that date.

Claims to have wells put in good repair must be made within one year from the 1st April 1898 to the Collector or Assistant Collector, who will give due notice to the Barra Meea or Wazifdars, and no attention will be made to any petition for remission of water-rate on account of wells being in disuse made subsequently to 1st August 1898 unless claim to have the well put into good repair has been made before 1st April 1899.

All applications for remission on account of a well having fallen into disrepair should be made within one year from the 1st August 1900, and no attention will be paid to any petition made subsequently to that date.

ARTICLE V.

If any of the unoccupied land be at any time hereafter applied for cultivation, Barra Meea should, with consent of the Mamlatdar of Daskroi Taluka, give it for cultivation.

The rights to trees should remain as at present. (*Note.*—The present practice is stated to be—Pagi ¼; 3/8 Syad; 3/8 cultivator).

ARTICALE VI.

That (27 acres 36 gunthas) twenty seven acres and thirty six gunthas of land shall be held free of all assessment by Syad Barra Meea for the full term of this agreement on account of the " Durgah " in the said village of Watwa. He should receive a Devasthan Sanad for the land.

ARTICLE VII.

The collector will appoint a Talati for the village on Barra Meea's nomination; but Barra Meea shall not discharge a Talati once appointed without the consent of the Collector first obtained; and the said Talati shall be amenable to all the penalties prescribed for revenue and other officers by the Regulations and Acts of Government, present and prospective.

ARTICLE VIII.

All the village servants useful to Government shall be paid by Government as per appended list.

ARTICLE IX.

The said Barra Meea and his co-sharers will respect the rights and privileges and acknowledge the position of all Patels, Matadars, and other hereditary village officers in the same way as they are respected by the Collector in Khalsa villages.

ARTICLE X.

The revenue will be collected by Barra Meea through the Talati and Revenue Patel from cultivators as in Khalsa villages. The rules respecting receipts obtaining in Khalsa villages are to be observed by the village officers.

ARTICLE XI.

In letting out waste land for cultivation entire Revenue Survey numbers only shall be let; parts of numbers shall on no account be let.

ARTICLE XII

The proprietors, Barra, Meea and Wazifdars, of lands will take rent from the cultivators according to the rates fixed by the Survey, and on letting out lands for cultivation the occupancy price shall be the property of the proprietors (the Barra Meea and Wazifdars). On cultivators transferring their occupancies, nothing in this agreement shall be held to prevent the Bara Meea or Wazifdars from taking any customary due or exercising any customary right.

ARTICLE XIII.

The accounts shall be kept and statistics prepared by the Talati in the

manner prescribed from time to time by the Collector, and shall be produced whenever required by Government officers.

ARTICLE XIV.

For the due apportionment of the co-sharer's respective shares and for keeping the accounts of the same, the said Barra Meea is alone responsible to the co-sharers. Government have no responsibility whatever therein.

ARTICLE XV.

The papers, records and orders which may be given by Government, and all the papers which may be in the possession of the Syad Barra Meea respecting the management of the village, shall be made over to the successors of Bara Meea with the management, and shall be produced whenever required by Government.

ARTICLE XVI.

The Barra Meea and Wazifdars will take care that the boundary marks made by the Revenue Survey Department are kept in good repair according to the rules in the khalsa villages, and will duly attend to the orders which may be issued relative to their inspection and the transmission of reports respecting them.

ARTICLE XVII.

The said Barra Meea and Wazifdars will act according to the stipulations contained in the foregoing articles. If they or any of their successors should act in opposition to any of the articles of this agreement, or deviate therefrom in any way, or omit to do anything which by this agreement should be done, then this agreement may be cancelled by the Governor in Council, and the Management of the village may be resumed; and the said Syad Barra Meea, Wazifdars or his or their successors shall have no claim on Government for any loss owing to such resumption.

ARTICLE XVIII.

In event of such resumption or in event of the said Syad Barra Meea or his successors voluntarily withdrawing from this agreement, Government will manage the village as may seem best to them, and the Syad Barra Meea and the Wazifdars and his and their successors will have no claim under such management on the lands or revenues of such village, or any of the profits of the same other than the former accustomed profits on trees, the Bagayat Kassar on wells sunk by the said Barra Meea and the Wazifdars or their ancestors, and three annas in every nineteen annas of the net collections of revenue on cultivated lands in the said village of Watwa

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The Press and Registration of Books (Bombay Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 5th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 14th April 1951.

Bombay Act No. VI of 1951.

An Act to amend the Press and Registration of Books Act, 1867, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Press and Registration of Books Act, 1867 (XXV of 1867), in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Press and Registration of Books (Bombay Amendment) Act, 1951.

2. *Amendment of section 11A of Act XXV of 1867.*—In section 11-A of the Press and Registration of Books Act, 1867 (XXV of 1867), for the word "two" the word "three" shall be substituted.

The Bombay Secondary School Certificate Examination (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 12th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 17th April 1951.

Bombay Act No. VII of 1951.

An Act to amend the Bombay Secondary School Certificate Examination Act, 1948.

WHEREAS it is expedient to amend the Bombay Secondary School Certificate Examination Act, 1948 (Bom. XLIX of 1948), for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Secondary School Certificate Examination (Amendment) Act, 1951.

2. *Amendment of section 15 of Bom. XLIX of 1948.*—After clause (f) of section 15 of the Bombay Secondary School Certificate Examination Act, 1948 (Bom. XLIX of 1948), the following clauses shall be inserted, namely :—

"(fa) to receive bequests, donations, endowments, trusts and other transfers of any property or interest therein or right thereto ;

(fb) to hold any property, interest or right referred to in clause (fa), and to manage or deal with the same ;

(fc) to award stipends, scholarships, medals, prizes and other rewards."

The Maharaja Sayajirao University of Baroda Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 12th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 17th April 1951.

Bombay Act No. VIII of 1951.

An Act to amend the Maharaja Sayajirao University of Baroda Act, 1949.

WHEREAS it is expedient to amend the Maharaja Sayajirao University of Boarda Act, 1949 (Baroda Act No. XVII of 1949), for the purposes hereinafter appearing; it is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Maharaja Sayajirao University of Baroda (Amendment) Act, 1951.

2. *Amendment of section 18 of Baroda Act No. XVII of 1949.*—In section 18 of the Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act No. XVII of 1949) (hereinafter referred to as the said Act), in sub-section (1), under the heading " Class 1. *Ex-Officio Fellows* ", in paragraph (B), for clause (i) the following shall be substituted, namely :—

" (i) Deans of Faculties. "

3. *Amendment of section 67 of Baroda Act No. XVII of 1949.*—In section 67 of the said Act, for the words beginning with the words " for a period " and ending with the words " their nomination " the words, letters and figures " upto and inclusive of the 31st day of October 1951 " shall be substituted.

The Bombay Repealing and Amending Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 12th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 17th April, 1951.

Bombay Act No. IX of 1951.

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend

certain other enactments for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Repealing and Amending Act, 1951.

2. *Repeal of certain enactments.*—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. *Amendment of certain enactments.*—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE FIRST SCHEDULE.

Repeal.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1879	V	Bombay Land Revenue Code, 1879.	Schedule F.
1920	VII	Bombay Public Conveyances Act, 1920.	In section 22, in clause (b), the words "who shall".

THE SECOND SCHEDULE.

Amendments

(*See* section 3.)

Year	No.	Short title.	Extent of amendment.
1	2	3	4
1888	III	Bombay Municipal Corporation Act.	In sub-section (2) of section 385, in the marginal note to section 426A and in clause (b) of section 484, for the word "city" the words "Greater Bombay" shall be substituted.
1925	XVIII	Bombay Municipal Boroughs Act, 1925.	In clause (7) of section 3, for the word "Subordinate", at both the places where it occurs, the word "Civil" shall be substituted.
1947	LXI	Bombay Primary Education Act, 1947.	In clause (b) of sub-section (1) of section 7, for the word and figure "section 6" the word and figure "section 5" shall be substituted.
1948	XXXIII	Bombay Land Requisition Act, 1948.	In sub-section (1) of section 9A, for the word "intended" the word "continued" shall be substituted.
1948	XL	Bombay City Civil Court Act, 1948.	In sub-section (3) of section 4A, for the word "Provincial" the word "State" shall be substituted.
1948	LIX	Bombay Animal Contagious Diseases (Control) Act, 1948.	In section 17, after the words "Veterinary Surgeon" the word "may" shall be inserted.
1948	LXXIX	Bombay Shops and Establishments Act, 1948.	(i) In clause (24) of section 2, for the word "club" the word "residential" club" shall be substituted.

Year. 1	No. 2	Short title. 3	Extent of amendment. 4
			(ii) In sub-section (1) of section 60, for the words "State Government" the words "District Magistrate" shall be substituted.
1949	Baroda Act XVII	Maharaja Sayajirao University of Baroda Act, 1949.	(i) In section 15, for the word, brackets and figures "clause(viii)" the word, brackets and figures "clause (vii)" ; (ii) In section 22, in clause (xiv) of sub-section (1), for the word "resolution" the word "resolutions". (iii) In section 24, in clause (v) of sub-section (1), for the word "estimate" the word "estimates" ; (iv) In section 48, in the marginal note, for the word "teachership" the words "professor or reader" ; and (v) In section 64, in sub-section (2), for the word "function" the word "functions" ; shall be substituted.
1949	LIX	Bombay Provincial Municipal Corporations Act, 1949.	In Appendix III,— (i) In the third column, in the third entry relating to "Bom. XXXII of 1947" in amendment No. 3, for the word, brackets and letter "clause (d)" the word, brackets and letter "clause (b)" shall be substituted. (ii) In the first column, for the words and figures "Bom. IX of 1948" the words and figures "Bom. XX of 1948" shall be substituted.
1950	I	Bombay Public Security Measures (Amendment) Act, 1950.	In section 19, for the words "and shall continue to be in force" the words "and such order, rule, appointment, direction or notification shall continue to be in force" shall be substituted.

The Bombay Village Panchayats (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 13th April 1951, and was published in the *Bombay Government Gazette*, Part IV, dated 18th April, 1951.

Bombay Act No. X of 1951.

An Act to amend the Bombay Village Panchayats Act, 1933.

WHEREAS it is expedient to amend the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*— This Act may be called the Bombay Village Panchayats (Amendment) Act, 1951.

2. *Amendment of section 8 of Bom. VI of 1933.*—In section 8 of the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933) (hereinafter referred to as the said Act), for clause (h) the following shall be substituted, namely :—

" (h) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the Panchayat, or in any contract or employment with, or under, or by, or on behalf of the Panchayat, or"

3. *Amendment of section 9 of Bom. VI of 1933.*— In section 9 of the said Act, in sub-section (1),—

(1) for the words " and that such illegality, corrupt practice or irregularity " the following shall be substituted, namely : —

" or that any error has been committed by any officer charged with carrying out the rules made under clause (c) of sub-section (1) of section 108 and that such illegality, corrupt practice, irregularity or error";

(2) after the proviso, the following Explanation shall be inserted, namely :—

" *Explanation.*—The expression ' error ' in this sub-section shall include any breach of, or any omission to carry out, or any non-compliance with, the provisions of the rules made under clause (c) of sub-section (1) of section 108."

4. *Amendment of section 33 of Bom. VI of 1933.*—In section 33 of the said Act, for sub-section (1) the following shall be substituted, namely :—

" (1) Every Panchayat shall appoint a Secretary who shall be a servant of the panchayat:

Provided that any two or more panchayats, if the villages for which they are established are situate within a distance of three miles from each of such villages and each such panchayat has an annual income not exceeding Rs. 1,500, may appoint one and the same person as the Secretary common to each of them. Such panchayats shall pay the salary and allowances of the Secretary in such proportion as the State Government may from time to time determine.

Provided further that if there are more than one panchayat established for villages within a distance of three miles from each of such villages, such panchayats not exceeding three in number may with the sanction of the State Government appoint one and the same person as the Secretary common to each of them, notwithstanding the fact that one of the said panchayats has an annual income exceeding Rs. 1,500.

(1A) The qualifications, powers, duties, remuneration and conditions of service (including disciplinary matters) of such Secretary shall be such as may be prescribed."

5. *Amendment of section 89 of Bom. VI of 1933.*—In section 89 of the said Act, in sub-section (2), after clause (vid), the following clause shall be inserted, namely:—

" (vie) a fee for supply of water from wells and tanks vesting in it, for purposes other than domestic use;"

6. *Amendment of section 92 of Bom. VI of 1933.*—In section 92 of the said Act,—

(1) after clause (b) ending with the word and figures " section 91;" the following clause shall be inserted, namely:—

" (c) any other sum due to a panchayat, whether under this Act or otherwise,"

(2) the following proviso shall be added at the end, namely:—

" Provided that no sum exceeding Rs. 500 shall be written off under clause (c), except with the previous sanction of the State Government."

The Bombay Housing Board (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 17th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 21st April 1951.

Bombay Act No. XI of 1951.

An Act to amend the Bombay Housing Board Act, 1948.

WHEREAS it is expedient to amend the Bombay Housing Board Act, 1948 (Bombay LXIX of 1948) for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Housing Board (Amendment) Act, 1951.

2. *Amendment of section 3 of Bom. LXIX of 1948.*—In section 3 of the Bombay Housing Board Act, 1948 (Bom. LXIX of 1948) (hereinafter called the said Act), after sub-section (3) the following Explanation shall be added, namely : –

" *Explanation.*– The purposes of this Act referred to in sub-section (3) include the management and use of lands and buildings belonging to or vesting in the Board under or for the purposes of this Act and the exercise of its rights over and with respect to such lands and buildings for the purposes of this Act."

3. *Insertion of new section 3A in Bom. LXIX of 1948.*—After section 3 of the said Act, the following section shall be inserted, namely:—

" 3A. *Removal of doubt regarding non-applicability of Bom. LVII of 1947.*—For the removal of doubt, it is hereby declared that the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947),

(a) shall not apply nor shall be deemed to have ever applied to any land or building belonging to or vesting in the Board under or for the purposes of this Act;

(b) shall not apply nor shall be deemed to have ever applied as against the Board to any tenancies or other like relationship created by the Board in respect of such land or building;

(c) but shall apply to any land or building let to the Board."

The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 19th April 1951, and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April 1951.

Bombay Act No XII of 1951

An Act to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

WHEREAS it is expedient to amend the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948) for the purposes hereinafter appearing; It is hereby enacted as follows: –

1. *Short title.*– This Act may be called the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1951.

2 *Amendment of section 2 of Bom LXVII of 1948.*—In section 2 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948) (hereinafter referred to as the said Act) after clause (2) the following clause shall be inserted, namely:—

" (2A) ' Collector ' includes an Assistant or Deputy Collector performing the duties and exercising the powers of the Collector under the Bombay Land Revenue Code, 1879 (Bom. V of 1879) ;"

3. *Amendment of section 6 of Bom LXVII of 1948.*– In section 6 of

the said Act, after sub-section (2), the following sub-section shall be added, namely: —

" (3) Where a lower rate of the maximum rent is fixed under sub-section (2), the landlord shall be entitled to reduce, in proportion to the rate so lowered, any contribution which he is liable to make towards the cost of cultivation of the land under any agreement, usage, decree or order of a Court or any law."

4. *Amendment of section 30 of Bom. LXVII of 1948.*—In section 30 of the said Act, after the words " provided in " the words, brackets and figures " sub-section (3) of section 6 and " shall be inserted.

5. *Amendment of section 34 of Bom. LXVII of 1948.*—In section 34 of the said Act, in clause (a) of sub-section (2), for the words " of the notice " the words, " on which the notice is given or at the date on which the notice expires " shall be substituted.

6. *Amendment of section 63 of Bom. LXVII of 1948.*—In section 63 of the said Act, after sub-section (2) the following sub-section shall be added, namely :—

" (3) Nothing in this section shall apply or be deemed to have applied to a mortgage of any land or interest therein effected in favour of a co-operative society as security for the loan advanced by such society".

7. *Insertion of section 64A in Bom. LXVII of 1948.*—After section 64 of the said Act, the following section shall be inserted, namely:—

" 64A. *Exemption to sales by or in favour of co-operative societies.*—Nothing in sections 63 and 64 shall apply to sales effected by or in favour of a co-operative society under the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925).

8 *Insertion of section 72A in Bom LXVII of 1948.*—After section 72 of the said Act, the following section shall be inserted, namely:—

" 72A. *Power of Collector to transfer proceedings.*—The Collector may, after due notice to the parties, by order in writing transfer any proceeding under this Act pending before a Mamlatdar in his district from such Mamlatdar to any other Mamlatdar in his district and the Mamlatdar to whom the proceeding is so transferred shall thereupon exercise jurisdiction under this Act in such proceeding:

Provided that any order issued to village officers under sub-section (2) of section 73 shall be issued by the Mamlatdar to whom such village officers are subordinate."

9. *Insertion of section 74A in Bom LXVII of 1948.* After section 74 of the said Act, the following section shall be inserted, namely:—

" 74A. *Power of Collector to transfer appeals.*—The Collector may, after due notice to the parties, by order in writing, transfer any appeal pending before him or before any Assistant or Deputy Collector subordinate to him to any other Assistant or Deputy Collector performing the duties and exercising the powers of a Collector, and upon such transfer the Assistant Collector or the Deputy Collector, as the case may be, shall have power to hear the appeal as if it was originally filed to him.

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The Bombay Money-lenders (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 19th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April 1951.

Bombay Act No. XIII of 1951.

An Act to amend the Bombay Money-lenders Act, 1946.

WHEREAS it is expedient to amend the Bombay Money-lenders Act,

1946 (Bom. XXXI of 1947), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Money-lenders (Amendment) Act, 1951.

2. *Amendment of section 2 of Bom. XXXI of 1947.*—In section 2 of the Bombay Money-lenders Act, 1946 (Bom. XXXI of 1947) (hereinafter referred to as the said Act),—

(1) for clause (1), the following shall be substituted, namely :—

"(1) 'bank' means a banking company as defined in the Banking Companies Act, 1949 (X of 1949);" ;

(2) in clause (9),—

(a) the words "by way of credit" shall be deleted ;

(b) in sub-clause (e), the word "scheduled" shall be deleted :

(c) for sub-clause (g), the following shall be substituted, namely :—

"(g) except for the purposes of sections 23 and 25,—

(i) a loan to a trader ;

(ii) a loan to a money-lender who holds a valid licence ; or

(iii) a loan, by a landlord to his tenant for financing of crops or seasonal finance, of not more than Rs. 50 per acre of land held by the tenant.

Explanation. The expression "tenant" shall have the meaning assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), and the expressions "financing of crops" and "seasonal finance" shall have the meanings assigned to them in the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947)" ;

(3) in clause (10), paragraph (iii) shall be deleted ;

(4) clause (16) shall be deleted.

3. *Amendment of section 6 of Bom. XXXI of 1947.* In section 6 of the said Act,—

(1) in sub-section (1),

(a) in paragraph (iii) of clause (b), for the words "a bank or company" the words "a company" shall be substituted ;

(b) in clause (e), the words "bank or" shall be deleted ;

(2) in sub-section (2), in paragraph (iii) of clause (a) and in clause (b), the word "bank" shall be deleted.

4. *Amendment of section 14 of Bom. XXXI of 1947.* In section 14 of the said Act, in sub-clause (b) of clause (ii) of sub-section (1), the word "bank", wherever it occurs, shall be deleted.

5. *Amendment of section 18 of Bom. XXXI of 1947.*—In section 18 of the said Act, after sub-section (2), the following sub section shall be inserted, namely :—

"(2A) Notwithstanding anything contained in clause (a) (ii) of sub-section (2), the State Government may by order in writing permit such class of money-lenders as may be specified in the order to deliver or cause to be delivered to the Assistant Registrar a statement containing the particulars referred to in clause (a) (i) of sub-section (2) in respect of all loans made during every such period as may be specified in the order. And upon the issue of such order a money-lender electing to deliver a periodical statement as provided in this sub-section shall deliver or cause to be delivered the same within a period of 30 days from the date of expiry of every such period."

6. *Amendment of section 19 of Bom. XXXI of 1947.*—In section 19 of the said Act, in sub-section (1),—

(1) in clause (iii), after the words "of principal" the following shall

be inserted, namely :—

"or in the alternative such of the payments credited first in the account of principal as the money-lender may determine and the remaining payments credited in the account of interest calculated on the basis of the decreased balance of principal and when the balance of interest is fully discharged the residue of the payments, if any, further credited in the account of principal" ;

(2) in clause (iv), for the words "principal remaining unpaid and the interest thereon" the words "principal and interest remaining unpaid" shall be substituted.

7. *Amendment of section 19A of Bom. XXXI of 1947.*—In section 19A of the said Act, in sub-section (1),—

(1) after the words "the statements" the words "or a pass book" shall be inserted ;

(2) after the words "said sub-sections" the words, brackets, figures and letter "or in respect of copies of statements supplied to him under sub-section (2A) of section 18" shall be added.

8. *Amendment of section 20 of Bom. XXXI of 1947.*—In section 20 of the said Act, after the words "statement of accounts" the words "or a pass book" shall be inserted.

9. *Amendment of section 21 of Bom. XXXI of 1947.*—In section 21 of the said Act, in the Explanation, after the words "statement of accounts" the words "or a pass book" shall be inserted.

10. *Amendment of section 22 of Bom. XXXI of 1947.*—In section 22 of the said Act, and in the marginal note to the said section, the word "bank" shall be deleted.

11. *Amendment of section 25 of Bom. XXXI of 1947.*—In section 25 of the said Act, the proviso to sub-section (1) shall be deleted.

12. *Amendment of section 35 of Bom. XXXI of 1947.*—In section 35 of the said Act, the words "or a bank" and the word "bank" where it occurs for the second time, shall be deleted.

13. *Insertion of new section 38A in Bom XXXI of 1947.*—After section 38 of the said Act, the following new section shall be inserted, namely :—

"38A. *Power of State Government to delegate its powers.*—The State Government may delegate to any officer any of the powers conferred on it by or under this Act."

The Bombay Public Trusts (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 20th April 1951, and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April 1951.

Bombay Act No. XIV of 1951

An Act to amend the Bombay Public Trusts Act, 1950

WHEREAS it is expedient to amend the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), for the purposes hereinafter appearing : It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Public Trusts (Amendment) Act, 1951.

2. *Amendment of section 2 of Bom. XXIX of 1950.*—In section 2 of the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) (hereinafter referred to as the said Act), in clause (13) after the words "a wakf", the words "a dharmada" shall be inserted.

3. *Amendment of section 4 of Bom. XXIX of 1950.*—For section 4 of

the said Act, the following shall be substituted, namely :—

"4. *Qualifications for appointment of Charity Commissioner.*—The Charity Commissioner shall be a person,—

(a) who is holding or has held a judicial office not lower in rank than that of a District Judge or a Judge of the Bombay City Civil Court, or the Chief Judge of the Presidency Small Cause Court, or

(b) who has been for not less than ten years,—

(i) an advocate enrolled under the Indian Bar Councils Act, 1926 (XXXVIII of 1926).

(ii) an attorney of a High Court, or

(iii) a pleader enrolled under the Bombay Pleaders Act, 1920 (Bom. XVII of 1920)."

4. *Amendment of section 5 of Bom. XXIX of 1950.*—In section 5 of the said Act, for sub-section (2) the following shall be substituted, namely :—

"(2) A person to be appointed as a Deputy or Assistant Charity Commissioner shall be a person—

(a) who is holding or has held a judicial office not lower in rank than that of a Civil Judge (Senior Division) or a Judge of the Bombay City Civil Court or of the Presidency Small Cause Court, or

(b) who has been for not less than seven years,—

(i) an advocate enrolled under the Indian Bar Councils Act, 1926 (XXXVIII of 1926),

(ii) an attorney of a High Court, or

(iii) a pleader enrolled under the Bombay Pleaders Act, 1920 (Bom. XVII of 1920)."

5. *Amendment of section 18 of Bom. XXIX of 1950.*—In section 18 of the said Act, to sub-section (2), the following shall be added at the end, namely : –

"or the trust property or substantial portion of the trust property is situated, as the case may be."

6. *Amendment of section 19 of Bom. XXIX of 1950.*—In section 19 of the said Act, for clause (i), the following shall be substituted, namely :—

"(i) whether a trust exists and whether such trust is a public trust,"

7. *Amendment of sections 21 and 22 of Bom. XXIX of 1950.* - In sub-section (1) of section 21 and in sub-section (3) of section 22 of the said Act, after the word "appeals' the words "or applications" shall be inserted.

8. *Amendment of section 28 of Bom. XXIX of 1950.* –In section 28 of the said Act, in sub-section (1)—

(i) for the words "the Schedule" the word and letter "Schedule A" shall be substituted ; and

(ii) for the words "the trust property or the substantial portion of the trust property is situate" the words "a public trust had been registered under any of the said enactments" shall be substituted.

9. *Amendment of section 29 of Bom. XXIX of 1950.*—In section 29 of the said Act, -

(i) after the words "testator's death" the words "whichever is earlier" shall be inserted, and

(ii) the following proviso shall be added at the end, namely :—

"Provided that the period prescribed herein for making an application for registration may, for sufficient cause, be extended by the Deputy or Assistant Charity Commissioner concerned."

10. *Amendment of section 33 of Bom. XXIX of 1950.*—In section 33

of the said Act, in sub-section (2), for the words and figures beginning with the words "who is the holder of certificate" and ending with the words "as auditors of companies" the words and figures "who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (XXXVIII of 1949)" shall be substituted.

11. *Amendment of section 44 of Bom. XXIX of 1950.*—In section 44 of the said Act, in sub-section (1), for the word "or" where it occurs for the first time, the word "and" shall be substituted.

12. *Amendment of section 46 of Bom. XXIX of 1950.* In section 46 of the said Act,—

(i) for the word "after" the words "within a period of three months from the date of" shall be substituted ; and

(ii) the following proviso shall be added at the end, namely :—

"Provided further that where, under any law for the time being in force, no probate or letters of administration are necessary for the administration of the estate of the testator, the executor or administrator, as the case may be, shall notify the contents of the will within the period of three months from the time when the contents of the will became known to him."

13. *Amendment of section 52 of Bom. XXIX of 1950.*—To section 52 of the said Act, the following proviso shall be added, namely :—

"Provided that if on the date of the application of the Act to any public trust any legal proceedings in respect of such trust are pending before any court including the High Court to which the Advocate General or the Collector exercising the powers of the Advocate General is a party, the Charity Commissioner shall be deemed to be substituted in those proceedings for the Advocate General or the Collector, as the case may be, and such proceedings shall be disposed of by such Court."

14. *Amendment of section 54 of Bom. XXIX of 1950.*—In section 54 of the said Act,—

(i) in sub-section (1), after the words "so charged or collected" the brackets and words "(in this Act called "dharmada")" shall be inserted;

(ii) after sub-section (3), the following shall be added, namely :—

"(4) The provisions of Chapter IV shall not apply to dharmada."

15. *Amendment of section 58 of Bom.* XXIX *of 1950.*—In section 58 of the said Act,—

(1) for the proviso the following shall be substituted, namely :—

"Provided that the contribution prescribed under this section shall,—

(i) in the case of a dharmada, be fixed at rates in proportion to the gross annual collection or receipts of the dharmada ;

(ii) in the case of other public trusts, be fixed at rates in proportion to the gross annual income of such public trust."

(2) after the proviso so substituted, the following Explanation shall be added, namely :—

"*Explanation* —For the purposes of this section, the gross annual income shall include gross income from all sources in a year excluding donations given or offerings made with a specific direction that they shall form part of the corpus of the public trust :

Provided that the interest or income accruing from such donations or offerings in the years following that in which they were given or or made shall be taken into account in calculating the gross annual income."

16. *Amendment of section 59 of Bom.* XXIX *of 1950.*—In section 59 of the said Act, in sub-section (1), after the brackets and words "(other than the Charity Commissioner)" the words "or the person charging or collecting dharmada" shall be inserted.

17. *Amendment of sections 61, 64 and 85 of Bom.* XXIX *of 1950.*—In sections 61, 64 and 85 of the said Act, for the words "the Schedule" the word and letter "Schedule A" shall be substituted.

18. *Amendment of section 66 of Bom.* XXIX *of 1950.*—In section 66 of the said Act, in the Table, in the entry relating to section 59 in the second column, after the brackets and words "(other than the Charity Commissioner)" the words "or by a person charging or collecting dharmada" shall be inserted.

19. *Amendment of section 72 of Bom.* XXIX *of 1950.*—In section 72 of the said Act, in sub-section (1)—

(i) for the words "whether a trust is a public trust" the words "whether a trust exists and whether such trust is a public trust" shall be substituted ;

(ii) the words and figures "under Chapter IV" shall be deleted.

20. *Amendment of section 77 of Bom.* XXIX *of 1950.*—In section 77 of the said Act and in the marginal note thereto for the word and figures "or 48" the figures, letters and word "48, 79A or 79C" shall be substituted.

21. *Amendment of section 79 of Bom.* XXIX *of 1950.*—In section 79 of the said Act—

(1) in sub-section (1), for the words "whether or not a trust is a public trust" the words "whether or not a trust exists and such trust is a public trust" shall be substituted ;

(2) in sub-section (2),

(i) for the words "in appeal" where they occur for the second time the words "on application" shall be substituted ;

(ii) the word "further" shall be deleted.

22. *Insertion of new sections 79A, 79B, 79C and 79D in Bom.* XXIX *of 1950.*—After section 79 of the said Act, the following new sections shall be inserted, namely :—

"79A. *Recovery of costs and expences incurred on legal proceedings by Charity Commissioner etc.*—All costs, charges and expenses incurred by the Charity Commissioner, or the Deputy or Assisstant Charity Commissioner as a party to, or in connection with, any legal proceeding in respect of any public trust shall, notwithstanding anything contained in section 79B, be payable out of the property or funds of the public trust, except in cases where the liability to pay the same has been laid on any party or other person personally and the right to reimbursement under this section has been negatived in express terms.

79B. *Costs of proceedings before courts including High Court.*—The costs, charges and expenses of and incidental to any suit, appeal or application to any court including the High Court under this Act shall be in the discretion of the court, which may, subject to the provisions of section 79A, direct the whole or any part of such costs, charges and expenses to be met from the property or funds of the public trust concerned or to be borne and paid in such manner and by such persons as it thinks fit.

79C. *Costs of proceedings before Charity Commissioner etc.*—The costs, charges and expenses of and incidental to any appeal, application or other proceeding before the Charity Commissioner or the Deputy or Assistant Charity Commissioner shall be in his discretion and he shall have full power to determine by whom or out of what property or funds and to what extent such costs, charges and expenses are to be paid.

79D. *Court-fee to be paid as prescribed by Schedule B.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), the documents described in columns 1 and 2 of Schedule B hereto shall bear a

court-fee stamp of the value specified in the column 3 thereof".

23. *Amendment of the Schedule to, and insertion of new Schedule in, Bom. XXIX of 1950.*—In the Schedule to the said Act, for the word "Schedule" the word and letter "Schedule A" shall be substituted and after Schedule A so relettered the following new Schedule shall be inserted, namely :—

"SCHEDULE B.

Section	Description of Document	Value
1	2	3
18(1)	Application for the registration of a public trust.	Rs. 2
22(1)	Report of any change or proposed change in any of the entries recorded in the register kept under section 17.	Re. 1
25(1)	Application of any person having interest in a public trust to the Charity Commissioner to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry under section 19 or 22 in regard to any public trust.	Rs. 2
29	Application by the executor of a will for the registration of a public trust created by such will.	Rs. 2
36	Application for sanction of the Charity Commissioner for alienation of immovable property of a public trust.	Rs. 10
44	Application by the author of a public trust to the Charity Commissioner for his consent to act as trustee of the public trust.	Rs. 10
45	Application by a person intending to create a public trust to the Charity Commissioner for his consent to act as trustee of such trust.	Rs. 10
46	Communication by the executor of a will of a testator or the administrator of his estate notifying to the Charity Commissioner the contents of the will under which he has been appointed a trustee.	Rs. 10
47(1)	Application to the Court by the Charity Commissioner or any person having interest in a public trust for the appointment of a new trustee.	Rs. 10
47(6)	Appeal to the High Court from the decision of the court in application filed under sub-section (1) of section 47.	Rs. 10
51(1)	Application to the Charity Commissioner for consent to file a suit of the nature specified in section 50.	Rs. 10
59(3)	Appeal to the State Government against the order of the Charity Commissioner for the payment of contribution by a bank or person from the moneys standing to the credit of the public trust with such bank or person.	Rs. 10
70(1)	Appeal to the Charity Commissioner against the finding of Deputy or Assistant Charity Commissioner under section 20, 22 or 28 or order under sub-section (3) of section 54.	Rs. 10
71(1)	Appeal to the Bombay Revenue Tribunal against the decision of the Charity Commissioner refusing consent to the institution of a suit.	Rs. 10
72(1)	Application to the court against the decision of the Charity Commissioner under section 40, 41 or 70 or on the question whether a trust exists and whether such trust is a public trust or whether any property is the property of such trust	Rs. 10
72(4)	Appeal to the High Court against the decision of the Court under sub-section (2) of section 72.	Rs. 10

Section 1	Description of Document 2	Value 3
	Mukhtarnama or Wakalatnama when presented for the conduct of any inquiry, appeal or other proceeding to the Charity Commissioner, or the Deputy or Assistant Charity Commissioner.	Re. 1
	Any other application or petition presented to the Charity Commissioner or the Deputy or Assistant Charity Commissioner.	Re. 1

The Bombay Special Suits and Proceedings Validating Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 12th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April, 1951.

Bombay Act No. XV of 1951.

An Act to validate special jurisdiction suits and proceedings in the State of Bombay.

WHEREAS by Government Notification, Home Department, No. 2346/5, dated the 20th January 1950, the State Government invested the Bombay City Civil Court with jurisdiction to receive, try and dispose of certain suits and proceedings of a civil nature not exceeding twenty-five thousand rupees in value and arising in Greater Bombay ;

WHEREAS in Original Civil Jurisdiction Suit No. 240 of 1950 the Bombay High Court held that the said notification was invalid and of no effect ;

WHEREAS in Civil Appeal No. 10 of 1950 in its civil appellate jurisdiction the Supreme Court of India set aside the said decision of the Bombay High Court and held that the said notification was *intra vires* and legal ;

WHEREAS during the interval between the date of the said notification and the decision of the Supreme Court certain suits and proceedings of a civil nature have been instituted in the Bombay High Court and some of them have been tried and disposed of ;

AND WHEREAS it is necessary and expedient to validate the decrees and orders which have been passed in the said suits and proceedings and to provide for the return and presentation of those which have been dismissed or are pending to the City Court ;

It is hereby enacted as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Bombay Special Suits and Proceedings Validating Act, 1951.

(2) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

2. *Definitions*.—In this Act, unless there is anything repugnant in the subject or context,—

(1) "Special jurisdiction suit or proceeding" means a suit or proceeding of a civil nature exceeding ten thousand rupees, but not exceeding twenty-five thousand rupees in value and arising in Greater Bombay, but does not include any suit or proceeding specified in clauses (a) to (d) of section 3 of the principal Act.

(2) "Principal Act" means the Bombay City Civil Court Act, 1948 (Bom. XL of 1948).

(3) "Jurisdiction notification" means Government Notification (Home Department), No. 2346/5, dated the 20th January 1950, issued by

the State Government in exercise of the powers conferred by section 4 of the principal Act and published in the *Official Gazette*, on 20th January 1950.

(4) "Supreme Court decision" means the decision of the Supreme Court in its Civil Appellate jurisdiction in Civil Appeal No. 10 of 1950 — the State of Bombay *vs.* Narottamdas Jethabhai and A. P. Phillips.

(5) Words and expressions not defined but used in this Act shall have the meaning assigned to them in the principal Act.

3. *Decrees and orders to be deemed to be valid.*— (1) Decrees and orders passed by the High Court in its Original as well as Appellate jurisdiction in special jurisdiction suits and proceedings instituted in the High Court on or after the date of the jurisdiction notification shall, notwithstanding anything contained in the principal Act, be deemed to have been validly passed by the High Court and shall not be deemed to be invalid merely on the ground that the suit or proceeding in which the said decree or order was passed was received, tried or disposed of by the High Court in contravention of sections 4 and 12 of the principal Act.

(2) All appeals and execution proceedings arising out of such decrees or orders shall be received, tried or disposed of by such Court, as if the suits or proceedings in which such decrees or orders were passed were validly received by the High Court, notwithstanding anything contained in the principal Act.

4. *Pending and dismissed suits and proceedings.*— (1) All special jurisdiction suits or proceedings instituted in the High Court on or after the date of the jurisdiction notification and pending in the said Court at the commencement of this Act shall, on application by a party to such suit or proceeding made within three months from the date of the commencement of this Act, be, notwithstanding anything contained in any law for the time being in force, returned by the said Court for being filed in the City Court If no such application is made within the said period of three months in respect of any such suit or proceeding, such suit or proceeding shall stand dismissed

(2) All such special jurisdiction suits or proceedings dismissed by the High Court, after the Supreme Court decision but before the commencement of this Act, merely on the ground that the High Court was not competent to receive, try and dispose of them under sections 4 and 12 of the principal Act, may, within the period of three months from the date of the commencement of this Act, or within the period of limitation applicable to such suit or proceeding under the provisions of the Indian Limitation Act, 1908 (IX of 1908), whichever period is longer, be filed in the City Court, notwithstanding the fact that they were dismissed by the High Court.

(3) All special jurisdiction suits and proceedings which stand dismissed under sub-section (1) on the ground that no application was made for their return for being filed in the City Court within the time specified therein may be filed in the City Court within the period of limitation applicable to such suit or proceeding under the Indian Limitation Act, 1908 (IX of 1908).

(4) Nothing in section 13 of the principal Act shall apply to the suits or proceedings returned for being filed in the City Court under sub section (1).

5. *Allowance of fees paid in High Court.*—When any suit or proceeding referred to in section 4 is filed in the City Court, in the calculation of the institution fee leviable in respect of such suit or proceeding, credit shall be given by the City Court for any court-fee levied in the High Court and costs incurred in the said Court till the date of its return for being filed in

the City Court or of its dismissal, as the case may be, shall be assessed in the manner prescribed by rules made under sub-section (2) of section 18 of the principal Act as if such suit or proceeding was transferred to the City Court under the said section.

6. *Exclusion of time for suits and proceedings filed in City Court.*—In computing the period of limitation in respect of any suit or proceeding referred to in sub-section (1) of section 4 and filed in the City Court, the period from the date on which the said suit or proceeding was received by the High Court until the date on which the said suit or proceeding was returned by the High Court for being filed in the City Court, shall be excluded.

7. *Stage from which pending suits or proceedings to be heard.*—Suits or proceedings returned for being filed in the City Court under sub-section (1) of section 4 shall, when filed in the City Court, be tried and disposed of from the stage up to which they were heard by the High Court and the record of such suit or proceeding up to the said stage of trial in the High Court shall be and form part of the record of such suit or proceeding in the City Court, as if the said suit or proceeding was originally received by the City Court.

8. *Removal of difficulties.*—If any difficulty arises in the trial or disposal of any suit or proceeding referred to in the foregoing provisions, in the execution of decrees or orders or the hearing or disposal of appeals arising therefrom, the High Court may pass such orders as it may deem necessary or expedient for the removal of such difficulty.

The Bombay Finance (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 18th April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April 1951.

Bombay Act No. XVI of 1951.

An Act to amend the Bombay Finance Act, 1932.

WHEREAS it is expedient to amend the Bombay Finance Act, 1932 (Bom. II of 1932), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Finance (Amendment) Act, 1951.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of section 4 of Bom. II of 1932.*—In section 4 of the Bombay Finance Act, 1932 (Bom. II of 1932) (hereinafter called the said Act),—

(1) in clause (a), after the words "by a licensee" the words, brackets and figures "but does not include a licensee to whom energy is supplied by the State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (LIV of 1948);" shall be inserted;

(2) in clause (c), for the words and figures "section 28 of that Act" the words, brackets and figures "section 28 of that Act, the State Government when it is engaged in a business of supplying energy and the State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (LIV of 1948);" shall be substituted.

3. *Amendment of First Schedule to Part II of Bom. II of 1932.*—In the First Schedule to Part II of the said Act,—

(1) the entry under the heading "*For any other purpose*" shall be numbered as clause (a) and in the said clause, after the words "lights and

fans" the words, brackets and letter "not falling under clause (b)" shall be added :

(2) after clause (a) as so numbered, the following clause shall be inserted, namely :—

"(b) for every five units of energy or fraction thereof consumed for electrolytic process or electric furnace by any industrial undertaking, subject however to the conditions that the Inspecting Officer appointed under section 8 is satisfied that the cost of the energy consumed is not less than 30 per cent of the total cost of manufacture incurred by such industrial undertaking and that separate meters or sub-meters are installed for indicating such consumption separately.....¼ anna."

4. *Amendment of section 15 of Bom II of 1932.*—In section 15 of the said Act, after sub-section (4A), the following shall be inserted, namely :—

"(4B) After section 73, the following new section shall be inserted, namely :—

"73A. *Collector's power to authorize officer to enter premises and inspect certain documents.*—The Collector may, where he has reason to believe that all or any of the instruments specified in Articles 5, 20A, 20B, 20C, 20D, 20E and 43 of Schedule I have not been charged at all or incorrectly charged with duty leviable under this Act, authorise in writing any officer to enter upon any premises where he has reason to believe that any registers, books, records, papers, documents or proceedings relating to or in connection with any such instrument are kept and to inspect them and to take such notes and extracts as such officer deems necessary. Every person having in his custody or maintaining such registers, books, records, papers, documents or proceedings shall at all reasonable times permit the officer authorised by the Collector to inspect them and take the notes and extracts as he may deem necessary."

5. *Insertion of new section 26A in Bom II of 1932.*—After section 26 of the said Act, the following new section shall be added, namely :—

"26A. *Apportionment of responsibility for Urban Immovable Property tax when premises are let and rateable value exceeds the amount of rent.*—(1) If any premises assessed to Urban Immovable Property tax are let and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of sub-sections (1) to (4) of section 26, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the Urban Immovable Property tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under sub-section (1) from such tenant or sub-tenant and the amount of Urban Immovable Property tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3) Any person entitled to receive any sum under sub-sections (1) and (2) shall have, for the recovery thereof, the same rights and remedies as if such sums were rent payable to him by the person from whom he is

entitled to receive the same."

The Bombay Weights and Measures (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 21st April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 24th April 1951.

Bombay Act No. XVII of 1951.

An Act to amend the Bombay Weights and Measures Act, 1932.

WHEREAS it is expedient to amend the Bombay Weights and Measures Act, 1932 (Bom. XV of 1932), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Weights and Measures (Amendment) Act, 1951.

2. *Amendment of section 34 of Bom. XV of 1932.*—In section 34 of the Bombay Weights and Measures Act, 1932 (Bom. XV of 1932) (hereinafter called the said Act)—

(1) the Explanation to the section shall be renumbered as Explanation 1 and in the Explanation so renumbered, after the words "such trader" where they occur for the second time, the words " , employee or agent" shall be inserted ; and

(2) after the Explanation renumbered as Explanation 1, the following shall be added, namely : –

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence."

3. *Insertion of new section 44A in Bom. XV of 1932.*—After section 44 of the said Act, the following section sl all be inserted, namely :—

"44A. *Offences by corporations and associations of persons.*—Where a person committing an offence under this Act is a Company, or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence."

The Bombay Sales Tax (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 23rd April 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 30th April 1951.

Bombay Act No. XVIII of 1951.

An Act to amend the Bombay Sales Tax Act, 1946.

WHEREAS it is expedient to amend the Bombay Sales Tax Act, 1946 (Bom. V of 1946), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title and commencement.*– (1) This Act may be called the Bombay Sales Tax (Amendment) Act, 1951.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of section 2 of Bom. V of 1946.*—In section 2 of the Bombay Sales Tax Act, 1946 (Bom. V of 1946) (hereinafter called the said Act),—

(i) in clause (c) after the word "includes" the words "a State Government which carries on such business and" shall be inserted ;

(ii) in clause (g), for "*Explanation 2*" the following shall be substituted, namely :—

"*Explanation 2.*—Notwithstanding anything to the contrary in the Indian Sale of Goods Act, 1930 (III of 1930), the sale of any goods which have actually been delivered in the State of Bombay as a direct result of such sale for the purpose of consumption in the said State shall be deemed, for the purposes of this Act, to have taken place in the said State, irrespective of the fact that the property in the goods has, by reason of such sale, passed in another State."

3. *Amendment of section 6 of Bom V of 1946.*—In section 6 of the said Act,—

(i) in sub-section (1), the proviso below clause (b) shall be deleted ;

(ii) in sub-section (3),—

(a) for clause (ii) of Rule I ending with the words "of such goods" the following shall be substituted, namely :—

"(ii) sales or supplies to a registered dealer holding a licence under section 8B—

(a) of goods certified by him as being intended for resale, or for use as containers and other materials for the packing of goods to be sold or supplied by him ; or

(b) of goods specified in such licence and certified by him as being intended for use by him in the manufacture or processing of any goods for sale or supply ;"

(b) in paragraph (a) of the proviso to clause (ii) of Rule I, for the words "certificate of registration ; or" the word "licence" shall be substituted ;

(c) paragraph (b) of the proviso to clause (ii) of Rule I shall be deleted ;

(d) the proviso at the end below Rule III shall be deleted.

4. *Amendment of section 8 of Bom. V of 1946.*— In section 8 of the said Act, in sub-section (1), for the words "been registered and possesses a registration certificate" the words "applied for registration within such period as may be prescribed" shall be substituted.

5. *Amendment of section 8A of Bom. V of 1946* – In section 8A of the said Act, for sub-section (5) the following shall be substituted, namely :—

"(5) Subject to the provisions of sub-section (4), a dealer registered upon application made under this section may apply in the prescribed manner not more than two months after the expiry of any year to the authority which granted him his certificate of registration for the cancellation of such registration ; and the said authority shall, unless the dealer is liable to pay tax under section 5, cancel the registration with effect from the expiry of one calendar month following that in which such application was made."

6. *Insertion of new section 8B in Bom. V of 1946* —After section 8A of the said Act, the following new section shall be inserted, namely :

"8B. *Licence to registered dealers for certain purposes* —(1) The Collector may grant to a registered dealer, after the expiry of twelve calendar months from the date of his registration, a licence for the purpose of clause (ii) of Rule I in sub-section (3) of section 6 in such manner, in such form and subject to such conditions as may be prescribed :

Provided that in the case of a dealer whose registration is in force on the 31st of March 1951, his certificate of registration shall, for such period

after that date not exceeding six months as may be prescribed, be deemed to be a licence granted to such dealer under this section and the Collector may grant a licence under this section to such dealer notwithstanding the fact that twelve calendar months from the date of his registration have not expired.

(2) The Collector may suspend the licence granted or deemed to be granted under sub-section (1) for such period as may be necessary or may cancel the same if the registered dealer to whom it has been granted or deemed to be granted fails to pay any tax, including penalty, payable by him under this Act or contravenes any provisions of the Act."

7. *Amendment of section 10 of Bom. V of 1946.*—In section 10 of the said Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that the Collector may, subject to such terms and conditions as may be prescribed, permit any dealer required to furnish returns under this section, to furnish them for such different periods as he may direct."

8. *Amendment of section 11A of Bom. V of 1946.*—To section 11A of the said Act, the following proviso shall be added, namely :—

"Provided further that where in respect of such turnover or deductions, as the case may be, an order has already been passed under section 21 or section 22, the Collector shall make a report to the appropriate appellate or revising authority, as the case may be, which shall thereupon after giving the dealer concerned a reasonable opportunity of being heard, pass such orders as it deems fit."

9. *Amendment of section 12 of Bom V of 1946.*—In section 12 of the said Act, in sub-section (4), in sub-clause (b) of clause (i), the figure and brackets "(1)", shall be deleted and after the word and figures "section 11" the words, figures and letter "or under section 11A" shall be inserted

10. *Insertion of new section 12-1A in Bom. V of 1946.* After section 12 of the said Act, the following new section shall be inserted, namely :—

"12-1A. *Special mode of recovery.*—(1) Notwithstanding anything contained in any law or contract to the contrary, the Collector may, at any time or from time to time, by notice in writing (a copy of which shall be forwarded to the dealer at his last address known to the Collector) require,—

(a) any person from whom any amount is due or may become due to a dealer on whom a notice has been served under sub section (4) of section 12, or

(b) any person who holds or may subsequently hold money for or on account of the dealer,

to pay to the Collector, either forthwith upon the money becoming due or being held, or at or within the time specified in the notice (not being before the money becomes due or it is held), so much of the money as is sufficient to pay the amount due by the dealer in respect of arrears of tax and penalty under this Act or the whole of the money when it is equal to or less than that amount.

(2) The Collector may at any time or from time to time amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

(3) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer and the receipt of the Collector shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount referred to in the receipt.

(4) Any person discharging any liability to the dealer after receipt of the notice referred to in this section shall be personally liable to the Collector to the extent of the liability discharged or to the extent of the liability of the dealer for tax and penalties, whichever is less.

(5) Where a person to whom a notice under this section is sent proves to the satisfaction of the Collector that the sum demanded or any part thereof is not due to the dealer or that he does not hold any money for or on account of the dealer, then, nothing contained in this section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, to the Collector.

(6) Any amount of money which a person is required to pay to the Collector or for which he is personally liable to the Collector under this section shall, if it remains unpaid, be recoverable as an arrear of land revenue."

11. *Amendment of section 12A of Bom V of 1946.*—In section 12A of the said Act, for sub-section (2), the following shall be substituted, namely :—

"(2) No person selling or supplying any goods shall collect from the purchaser any amount by way of Sales Tax unless he is a registered dealer and is liable to pay tax under this Act in respect of such sale or supply :

Provided that this sub-section shall not apply in cases where a person is required to collect such amount of tax separately in order to comply with the conditions and restrictions imposed on him under the provisions of any law for the time being in force."

12. *Amendment of section 13 of Bom. V of 1946.*—To section 13 of the said Act, the following proviso shall be added, namely :—

"Provided further that the Collector shall first apply the excess paid in respect of any period towards the recovery of any amount in respect of which a notice under sub-section (4) of section 12 may have been issued and shall then refund the balance remaining, if any."

13. *Insertion of new section 13A in Bom. V of 1946.*—After section 13 of the said Act, the following new section shall be inserted, namely :—

"13A. *Set off or refund in certain cases.* – The Collector shall subject to such conditions as may be prescribed, while assessing the tax payable under this Act by a registered dealer for any period during which he did not hold a licence under section 8B, grant him a set off or refund, as the case may be, equal to the amount of tax under this Act recovered from him, during such period by another registered dealer."

14. *Amendment of section 15 of Bom. V of 1946.*—In section 15 of the said Act, at the end of sub-section (4), the following shall be added, namely :—

"or any other place where the Collector has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers, or documents of his business "

15. *Amendment of section 16 of Bom. V of 1946.*—In section 16 of the said Act, the proviso shall be deleted.

16. *Amendment of section 18 of Bom. V of 1946.*—In section 18 of the said Act,—

(i) in sub-section (1), after the words "the transferee shall" the words "also be liable to pay tax under this Act on the sales or supplies of goods effected by him with effect from the date of such transfer and shall" shall be inserted ;

(ii) in sub-section (2), for the words "a registered dealer" the words "a dealer liable to pay tax under this Act" shall be substituted ;

(iii) for sub section (3), the following shall be substituted, namely :—

"(3) (i) When a firm liable to pay tax under this Act is dissolved each of such partners thereof shall, or

(ii) where a Hindu joint family liable to pay tax under this Act is separated each of its members shall,

unless he holds or obtains within the prescribed period a certificate of registration, be liable to pay tax under this Act on the proportion of the stock of goods remaining unsold equal to his share or interest in the firm or family, as the case may be."

(iv) in sub-section (4),—

(a) the words "a business or" shall be deleted ;

(b) for the words, brackets and figures "sub-sections (1) to (3)" the words, brackets and figures "sub-section (2) or (3)" shall be substituted.

17. *Amendment of section 18-A of Bom. V of 1946.*—In section 18-A of the said Act, after the word and figure "section 8" the words, brackets, figures and letter "or sub-section (5) of section 8A" shall be inserted.

18. *Amendment of section 21 of Bom. V of 1946.*— In section 21 of the said Act,—

(i) to sub-section (1), the following proviso shall be added, namely:—

"Provided further that the said authority may, if it deems fit, for reasons to be recorded in writing, entertain an appeal against such order without payment of the amount of tax including penalty, if any, or on proof of payment of such smaller amount as it may direct."

(ii) in sub-section (3), for the figures and word "22 and 23" the figures, word and letter "22, 23 or 23A" shall be substituted.

19. *Amendment of section 24 of Bom. V of 1946.*—In section 24 of the said Act, in sub section (1),

(i) in clause (a), after the word and figure "section 8" the words, brackets and figures "or sub-section (1), of section 18" shall be inserted ;

(ii) for clause (c), the following shall be substituted, namely :—

"(c) being a holder of a licence under section 8B, knowingly gives a false certificate in respect of any goods which he has purchased or intends to purchase, for the purpose of clause (ii) of Rule I of sub-section (3) of section 6." ;

(iii) for clause (d), the following shall be substituted, namely :—

"(d) not being a holder of a licence under section 8B, falsely represents that he is or was such a holder of a licence at the time when he purchases or purchased any goods;" ;

(iv) in clause (f), for the word "refuses" the word "fails" shall be substituted ;

(v) after clause (i) the following word and new clause shall be inserted, namely :—

"or

(j) aids or abets any person in the commission of any act specified in clauses (a) to (i) of this sub-section."

20. *Insertion of new section 28A in Bom. V of 1946.*—After section 28 of the said Act, the following new section shall be inserted, namely :—

"28A. *Appearance by dealer.*—Any dealer who is entitled to attend before any authority in connection with any proceedings under this Act, may attend before the authority—

(a) by a person authorised by him in this behalf being his relative or a person regularly employed by him, or

(b) by a legal practitioner, or

(c) subject to such conditions as may be prescribed, by an account-

ant or sales tax practitioner who possesses the prescribed qualifications."

21. *Amendment of section 29 of Bom. V of 1946.*—In section 29 of the said Act, in sub-section (2)—

(i) in clause (cc), the portion beginning with the words "the period" and ending with words and figure "section 6, and" shall be deleted ;

(ii) after clause (ff), the following clause shall be inserted, namely :—

"(ffa) the manner and the form of licence under section 8B and the conditions subject to which a licence is granted;" ;

(iii) to clause (h), the following shall be added, namely :—

"and the terms and conditions for purposes of the proviso to sub-section (1) of the said section 10 ;" ;

(iv) after clause (k), the following shall be inserted, namely :—

"(kk) the conditions for the purpose of section 13A ;" ;

(v) after clause (p), the following clause shall be inserted, namely :—

"(pp) the conditions and the qualifications for the purposes of clause (c) of section 28A."

22. *Amendment of Schedule I of Bom. V of 1946.*—In Schedule I to the said Act,—

(i) for entry (7), the following shall be substituted, namely :—

"7. Silk cloth (including artificial silk cloth), and goods made from such cloth (excluding gas mantles)." ;

(ii) in entry 13, after the word "real" the word ",artificial" shall be inserted ;

(iii) for entry 17, the following shall be be substituted, namely :—

"17. Glassware, chinaware and domestic pottery but excluding—

(i) earthenware pottery,

(ii) glass bangles and small beads of black or green colour used for making *mangal sutra* necklaces,

(iii) empty glass bottles,

(iv) spectacle lenses (optical), and

(v) glassware and porcelain were designed for use for medical, surgical, laboratory and scientific purposes." ;

(iv) in entry (22), after the word "embroidered" the words "and goods made from such fabrics" shall be inserted.

23. *Amendment of Schedule II of Bom. V of 1946.*—In Schedule II to the said Act, for entry 26 the following shall be substituted, namely :—

"26. Motor spirit, meaning—

(a) any inflammable hydro-carbon (including any mixture of hydro-carbons or any liquid containing hydro-carbons) which is capable of being used for providing reasonably efficient motive power for any form of motor vehicle, and

(b) power alcohol, that is, ethyl alcohal of any grade (including such alcohol when denatured or otherwise treated) which either by itself or in admixture with any such hydro-carbon, is capable of being used as aforesaid ;

but not including diesel oil or any other form of inflammable hydro-carbon material which the State Government may, by notification in the *Official Gazette* specify in this behalf."

The Bombay Town Planning (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 19th May 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 26th May 1951.

Bombay Act No. XIX of 1951.

An Act to amend the Bombay Town Planning Act, 1915.

WHEREAS it is expedient to amend the Bombay Town Planning Act, 1915 (Bom. I of 1915), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Town Planning (Amendment) Act, 1951.

2. *Amendment of section 2 of Bom. I of 1915.*—In section 2 of the Bombay Town Planning Act, 1915 (Bom. I of 1915) (hereinafter referred to as the said Act),—

(1) before clause (a), the following clause shall be inserted, namely:—

"(1a) 'land' includes benefits to arise out of land and things attached to the earth or permanently fastened to any thing attached to the earth ;"

(2) after clause (d), the following clause shall be inserted, namely :—

"(dd) 'preliminary scheme' means a scheme relating to a town planning prepared by the arbitrator under section 44B ;".

3. *Insertion of new Chapter IVA in Bom. I of 1915.*—After Chapter IV of the said Act, the following new Chapter shall be inserted, namely :—

"CHAPTER IV-A.

Splitting of schemes into sections and preliminary schemes.

44A. *Powers of arbitrator to split draft scheme into separate sections.*—After an arbitrator has been appointed under section 29, the local authority may apply to him to split up the draft scheme into different sections and to deal with each section separately as if each section were a separate draft scheme. The arbitrator may, after making such inquiry as he thinks fit, split the draft scheme into sections. Thereafter the provisions of the Act and the rules made thereunder shall, so far as may be, apply to each of such sections as if it were a separate draft scheme.

44B. *Arbitrator to prepare preliminary scheme.*—If a draft scheme or if any of such sections contains any of the following works—

(i) construction or alteration of bridges,

(ii) roads, open spaces, gardens and recreation grounds

(iii) drainage, inclusive of sewage, surface drainage and sewage disposals,

(iv) water supply,

(v) any other work which in the opinion of the arbitrator is for a public purpose,

the arbitrator shall, on the application of the local authority, prepare in regard to such scheme or section in the prescribed manner a preliminary scheme in accordance with the provisions of section 30 :

Provided that it shall not be necessary for the arbitrator at this stage to exercise the powers referred to in clauses (3), (3A), (3B), (3C), (3D), (4), (5), (6), (7), (9) and (10) of section 30.

44C. *Power to hand over possession of land required for bridges, roads, etc.*—(1) Where a local authority thinks that, in the interest of the public, it is necessary to undertake forthwith any of the works referred to in section 44B and included in a preliminary scheme, the local authority shall make an application through the arbitrator to the State Government to vest in it the land shown in the preliminary scheme.

(2) The State Government, if satisfied that it is urgently necessary in the public interest to empower the local authority to enter on the land for the purposes of executing any of the works aforesaid, may direct the arbitrator by notification in the *Official Gazette* to take possession of the land and may also fix the period during which the execution of the said works shall be completed :

Provided that the period so fixed may for sufficient reasons be extended from time to time.

(3) The arbitrator shall then give a notice in the prescribed manner to the person interested in the land the possession of which is to be taken by the arbitrator requiring him to give possession of his land to the arbitrator or any person authorised by him in this behalf within a period of one month from the date of the notice and if no possession is delivered within the period specified in the notice, the arbitrator shall take possession of the land and shall hand over the land to the local authority. Such land shall thereupon, notwithstanding anything contained in section 40, vest absolutely in the local authority free from all incumbrances.

44D. *Commissioner or Magistrate to enforce surrender of land if not delivered.*—(1) If the arbitrator is opposed or impeded in taking possession of the land under section 44C, he shall request in Greater Bombay, the Commissioner of Police, and elsewhere, the District Magistrate to enforce the surrender of the land to the arbitrator. The Commissioner or the District Magistrate, as the case may be, shall take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the notice.

(2) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-section (1) includes the power to enter upon any land or other property whatsoever.

44E. *Owner of land of which possession is taken entitled to interest.*—The owner of the land, the possession of which is taken by the arbitrator under section 44C or 44D shall be entitled to an interest at the rate of 4 per cent. per annum on the amount of compensation payable to him under the Act in respect of the said land from the date on which such possession is taken till the date on which the final scheme in which such land is included comes into force or till the land is restored to the owner under section 47C, as the case may be.

44F. *Application of Chapter to pending schemes.*—Notwithstanding anything contained in the foregoing provisions of this Chapter, it shall be lawful to any local authority to apply to the arbitrator for the splitting of any pending scheme into sections or for the preparation of a preliminary scheme in respect thereof, and on such application being made, the aforesaid provisions shall, so far as may be, apply to such scheme.

Explanation.—For the purposes of this section, a pending scheme shall mean a scheme in respect of which a declaration of its intention to make a scheme has been made by a local authority under sub-section (1) of section 9 before the date on which the Bombay Town Planning (Amendment) Act, 1951 (Bom. XIX of 1951), comes into force, but in respect of which the final scheme has not been forwarded to the State Government for sanction under section 40.".

4. *Insertion of new sections 47B and 47C in Bom. I of 1915.*—After section 47A of the said Act, the following sections shall be inserted, namely :—

"47B. *Delegation of certain powers of local authority and Joint Town Planning Board.*—(1) A local authority may by order in writing direct that all or any of the powers conferred on it by sections 15, 42 and 43 shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by the Chief Officer or any such officer of the local authority as may be specified in the direction.

(2) A Joint Town Planning Board may, by order in writing, direct

that all or any of the powers conferred on it by sections 15, 42 and 43 shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by such officer of any local authority as the Joint Town Planning Board may specify in the direction.

47C. *Compensation for land vested in local authority under section 44C and restoration of such land in certain cases.*—(1) If the local authority has not executed any works on the land for which the land was vested in the local authority under section 44C within the period fixed under sub-section (2) of the said section, the arbitrator shall make or tender to the owner or the person interested in the land, such compensation for the damage, if any, done to the land as he may think reasonable and shall restore the land to the owner or person interested therein".

5. *Amendment of section 52 of Bom. I of 1915.*—In section 52 of the said Act, after clause (n) of sub-section (2), the following clauses shall be inserted, namely :—

"(na) the manner of preparing a preliminary scheme under section 44B ;

(nb) the manner of giving notice under section 44C".

The Code of Criminal Procedure (Bombay Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 24th May 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 2nd June 1951.

Bombay Act No. XX of 1951.

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898 (V of 1898), in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Code of Criminal Procedure (Bombay (Amendment) Act, 1951.

(2) It extends to the whole of the State of Bombay.

2. *Insertion of new section 197A.*—After section 197 of the Code of Criminal Procedure, 1898 (V of 1898), the following new section shall be inserted, namely :—

"197A. *Prosecution of Commissioner appointed by Civil Court.*—When any person, who is a Commissioner appointed by a Court under the provisions of the Code of Civil Procedure, 1908 (V of 1908), is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his functions as Commissioner, no court shall take cognizance of such offence except with the previous sanction of the Court, which appointed such person as Commissioner."

The Bombay Merged States (Laws) (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 25th May 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 2nd June 1951.

Bombay Act No. XXI of 1951.

An Act to amend the Bombay Merged States (Laws) Act, 1950.

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Merged States (Laws) (Amendment) Act, 1951.

2. *Amendment of Third Schedule to Bom. IV of 1950.*—In the Third Schedule to the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950), the following entries shall be added at the end, namely :—

"The Bombay Medical Act, 1912 (Bom. VI of 1912)."	All merged States.	After section 8, the following new section shall be inserted, namely :— '8A. *Registration of medical practitioners registered in merged States.*—(1) Notwithstanding anything contained in section 7, every person— (a) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State ; and (b) who holds any of the qualifications specified in the Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933), or this Act, shall be deemed to be a medical practitioner registered under this Act. (2) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.'
The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States.	(1) After section 17, the following new section shall be inserted, namely :— '17A. *Registration of practitioners registered in merged States.*—(1) Notwithstanding anything contained in section 16, every practitioner, whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act. (2) If any question arises whether any person is deemed to be a registered practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.' (2) After section 18, the following new section shall be inserted, namely :— '18-1A. *Registration of other persons registered in merged States.* (1) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912 (Bom. VI of 1912), or section 17A of this Act, whose name immediately

before the date of the merger of the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list.

(2) If any question arises whether a person is entitled to have his name entered in the list under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.'"

3. *Repeal of clause 4(iii) of Administration of Baroda State Order.* — Paragraph (iii) of clause 4 of the Administration of the Baroda State Order is hereby repealed.

The Bombay Police Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 1st June 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 11th June 1951.

Bombay Act No XXII of 1951

An Act to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State ; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order ; And whereas it is necessary to provide for certain other purposes hereinafter appearing ; It is hereby enacted as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement* —(1) This Act may be called the Bombay Police Act, 1951

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

2. *Definitions* —In this Act, unless there is anything repugnant in the subject or context,—

(1) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine ;

(2) "Corporation" means a Corporation constituted under the Bombay Municipal Corporation Act (Bom. III of 1888) or the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) ;

(3) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function under the provisions of this Act, means –

(a) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner,

(b) in relation to the areas other than those referred to in clause (a), the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government ;

(4) "constable" means a police officer of the lowest grade ;

(5) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898 (V of 1898), but does not include Greater Bombay ;

(6) "Inspector-General", "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Comissioner", "Assistant Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent", and "Deputy Superintendent" mean respectively the Inspector General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police a District Superintendent of Police, an Additional Superintendent of Police, an Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act ;

(7) "municipality" means a municipality constituted or deemed to be constituted under the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), or the Bombay District Municipal Act, 1901 (Bom. III of 1901).

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open ;

(9) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall ;

(10) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owing or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor house, boarding house, lodging house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop ;

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act and includes a special or an additional Police officer appointed under section 21 or 22 ;

(12) "prescribed" means prescribed by rules ;

(13) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation ;

(14) "rules" means rules made under this Act ;

(15) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay, or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not ;

(16) "subordinate ranks" means members of the Police Force below the rank of the Inspector ;

(17) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car a vessel or an aeroplane.

CHAPTER II.

Superintendence, control and organisation of the Police Force.

3. *One Police Force for the whole State.*—There shall be one Police

Force for the whole of the State:

Provided that the members of the Police Forces constituted under any of the Acts mentioned in Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

4. *Superintendence of Police Force to vest in the State Government.* The Superintendence of the Police Force throughout the State vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence.

5. *Constitution of Police Force.*—Subject to the provisions of this Act—

(a) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

(b) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order:

Provided that—

(i) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Schedule I and deemed to be the members of the Police Force under section 3 shall continue in force until altered or cancelled under clause (b),

(ii) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

6. *Inspector-General, Additional and Deputy Inspector-General.*—(1) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government.

(2) (a) The State Government may appoint an Additional Inspector-General and one or more Deputy Inspectors-General of Police.

(b) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Inspector-General may be exercised, performed or discharged as the case may be, by the Additional Inspector-General or a Deputy Inspector-General.

(c) The State Government may also by a general or special order direct that the Additional Inspector-General or Deputy Inspector-General shall assist and aid the Inspector-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

7. *Commissioner.*—(a) The State Government may appoint a Police officer to be the Commissioner of Police for Greater Bombay or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette*.

(b) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (a).

(c) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the

State Government by a general or special order :

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General :

Provided further that the area for which a Commissioner has been appointed under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or a District Superintendent may have been appointed.

8. *Appointment of District, Additional, Assistant and Deputy Superintendents.*—(1) The State Government may appoint for each District or for a part of a District or for one or more Districts a Superintendent and one or more Additional, Assistant and Deputy Superintendents of Police, as it may think expedient.

(2) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(3) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

9. *Principal, Central Police Training School, Nasik* - The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers, functions and duties, as it may think fit.

10. *Deputies and Assistants to Commissioner.*—(1) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay or in any area in which a Commissioner has been appointed under clause (a) of section 7.

(2) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force, in accordance with the general or special orders of the State Government made in this behalf :

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by a Deputy or Assistant Commissioner.

11. *Superintendent in Greater Bombay.*- (1) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient.

(2) A Superintendent appointed under sub-section (1) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government :

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by the Superintendent.

12. *Constitution of divisions and sections.*—(1) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit,—

(a) constitute within the Greater Bombay, Police divisions,

(b) sub-divide the same into sections, and

(c) define the limits and extent of such divisions and sections.

(2) *Officers in charge of divisions and sections.*—Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police.

13. *Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.*—Subject to the conditions and limitations as may be imposed by the State Government, the powers under sections 94, 96, 97, 98, 105, 523, 524 and 526 of the Code of Criminal Procedure, 1898 (V of 1898), may be exercised—

(1) in districts, by the Inspector General as a First Class Magistrate ;

(2) in Greater Bombay, by the Commissioner for Greater Bombay as a Presidency Magistrate ;

(3) in areas under their respective charges, by other Commissioners as First Class Magistrates.

14. *Certificate of appointment.*- (1) Every Police officer of and below the grade of Inspector, shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

15. *Effect of suspension of Police officer.*—The powers, functions and privileges vested in a Police officer shall remain suspended whilst such Police officer is under suspension from office :

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

16. *General powers of Commissioner and District Superintendent.*—The Commissioner, subject to the orders of the Inspector-General, and the District Superintendent, subject to the orders of the Inspector-General and the District Magistrate, shall within their respective spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

17. *Control of District Magistrate over Police Force in district.*—(1) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(2) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

18. *Power of District Magistrate to require reports from District Superintendent.*—The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the

regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

19. *Power of supervision by District Magistrates.*—If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition :

Provided that if the Police officer concerned is an officer of the grade of the Inspector or of a higher grade, the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

20. *Power of Inspector-General and Commissioner to investigate, and regulate matters of Police accounts.*—The Inspector-General, throughout the State and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto."

21. *Special Police officers.*—(1) The Commissioner, the District Superintendent, or any Magistrate not lower in rank than that of second class specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(2) Every special Police officer so appointed shall on appointment—

(a) receive a certificate in a form approved by the State Government in this behalf,

(b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

22. *Appointment of additional Police.*—(1) Additional Police officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(2) Every additional Police officer appointed, shall on appointment—

(a) receive a certificate in a form approved by the State Government in this behalf;

(b) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate, and

(c) be subject to the orders of the Commissioner or the District Superintendent, as the case may be.

(3) The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the

cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

CHAPTER III.

Regulation, Control and Discipline of the Police Force

23. *Framing of rules for administration of the Police.*—Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to Greater Bombay and other areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

(a) regulating the inspection of the Police Force by his subordinates ;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police ;

(c) prescribing the places of residence of members of the Police Force;

(d) for institution, management and regulation of any Police fund for any purpose connected with police administration ;

(e) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police ;

(f) assigning duties to Police officers of all ranks and grades, and prescribing—

(i) the manner in which, and

(ii) the conditions subject to which, they shall exercise and perform their respective powers and duties ;

(g) regulating the collection and communication by the Police of intelligence and information ;

(h) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

24. *Inspector-General or Commissioner may call for returns.*—(1) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(2) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (1).

25. *Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.*—(1) The State Government, or any officer authorised by sub-section (2) in that behalf, may suspend, reduce, dismiss or remove any member of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in, the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

(2) *Punitive powers of Inspector General, Commissioner, Deputy Inspector-General and District Superintendent.*—(a) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish any member of the subordinate ranks under sub-section (1). A

District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector and may suspend an Insptctor who is subordinate to him pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(b) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(c) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(3) Nothing in sub-sections (1) and (2)—

(a) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged ; or

(b) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

26. *Procedure to be observed in awarding punishment.*—When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature :

Provided that no such order shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (a) to clause (2) of Article 311 of the Constitution.

27. *Appeals from orders of punishment.*—An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify.

28. *Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.*—(1) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

(2) *Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.*—Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary, the reasons for the transfers hall be explained ; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

29. *Under what conditions Police officer may resign.*—(1) Except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central

Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission, no Police officer of the subordinate ranks shall resign his office or withdraw himself from the duties thereof, until (a) the expiration of two months after written notice of his intention so to do has been given by him to any of the aforesaid officers to whom he is subordinate and until, (b) he has fully discharged any debt due by him as such Police officer to Government or to any Police fund

(2) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

(3) *Arrear of pay of a Police officer contravening this section may be forfeited.*—If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 145 of this Act or any other law in force.

30. *Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and if not delivered up may be seized under a search warrant.*—(1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the performance of duties and functions connected with his office

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or any District Superintendent, Assistant Superintendent, or Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898), by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik, the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs, by any other person.

(3) *Saving of certain articles.*—Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

31. *Occupation of and liability to vacate premises provided for Police officers.*—(1) Any Police officer occupying any premises provided by the State Government for his residence—

(a) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be specified by the State Government, and

(b) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, the State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may direct any Police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises a d deliver the same to any person specified in the direction.

32. *Saving in regard to Railway Police.*—Subject to the provisions of the Police Act, 1888 (III of 1888), and save in so far as the operation of this section may be temporarily suspended by the special order of the State Government, nothing in Chapters II and III shall be deemed to affect any officers of the Railway Police employed within the limits of the State of Bombay on Police functions connected with the administration of any railway and any such Police officer shall, in the discharge of such functions, be vested, with the powers, privileges and be subject to the liabilities of a Police officer of the establishment to which he belongs.

CHAPTER IV.

Police Regulations.

33. *Power to make rules for regulation of traffic and for preservation of order in public place, etc.*—(1) The Commissioner and the District Magistrate, in areas under their respective charges or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for—

(a) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(b) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(c) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(d) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;

(e) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;

(f) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(g) regulating and controlling the manner and mode of conveying

timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(h) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(i) prohibiting, except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased ;

(j) prescribing certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except subject to such rules as he may make in that behalf ;

(k) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature ;

(l) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the State Government, with a view to prevent the disease or to check the spreading thereof ;

(m) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein ;

(n) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places ;

(o) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass ;

(p) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air ;

(q) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place ;

(r) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting—

(i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorised in that behalf,

(ii) the blasting of rock or making excavations in or near streets or public places,

(iii) the using of a loudspeaker in any public place or place of public

entertainment ;

(s) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable ;

(t) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public ;

(u) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire, or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire ballon or rocket in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf ;

(v) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharamshala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(w) (i) licensing or controlling places of public amusement or entertainment ;

(ii) prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity ;

(iii) regulating the means of entrance and exit at places of public amusement or entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance thereat ;

(x) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(y) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), or under any other law for the time being in force relating to the Abkari revenue or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the Arms Act, 1878 (XI of 1878) or of the Explosives Act, 1884 (IV of 1884), or of any rules made under either of those enactments, or the liability of any person thereunder :

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

(2) (i) The power of making, altering or rescinding rules under clauses (a), (b) and (c) of sub-section (1) shall be subject to the control of the State Government.

(ii) The power of making, altering or rescinding rules under the

remaining clauses of sub-section (1) shall be subject to the previous sanction of that Government.

(3) Every rule made under clause (v) of sub-section (1) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(4) Every rule promulgated under the authority of clause (l) of sub-section (1) shall, if made in relation to any area outside Greater Bombay, be forthwith reported to the State Government or such authority as the State Government may appoint in this behalf.

(5) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or by-law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or by-law of the municipal or local authority, as the case may be.

(6) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the *Official Gazette* and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language, as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable :

Provided that any such rules may be made, altered or rescinded without previous publication if the Commissioner or the District Magistrate, as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alterations therein or rescission thereof should be brought into force at once.

(7) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(8) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

34. *Competent authority may authorise erection of barriers on streets.*— The Commissioner and the District Superintendent in areas under their respective charges may, whenever in his opinion such action is necessary, authorise such Police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

35. *Power to make rules prohibiting disposal of the dead except at places set apart.*—(1) A competent authority may, from time to time, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose.

Provided that no such rules shall be made in respect of any such town

or place in which places have not been so set apart :

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any rules made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (c) of section 24 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), shall not be earlier than two months from the date on which the draft of the proposed rules is published.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

36. *Power of Commissioner or the District Superintendent and of other officers to give direction to the public.*—In areas under their respective charges the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section 33 give all such orders either orally or in writing as may be necessary to—

(a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets ;

(b) prescribe the routes by which and the times at which any such processions may or may not pass ;

(c) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed ;

(d) keep order on and in all streets, quays, wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(e) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ;

(f) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections 33, 35, 37 to 40, 42, 43 and 45 of this Act.

37. *Power to prohibit certain acts for prevention of disorder.*—(1) The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by a notification publicly promulgated or adressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place,—

(a) the carrying of arms, cudgels, swords, spears, bludgeons, guns,

knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(b) the carrying of any corrosive substance or of explosives,

(c) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(d) the exhibition of persons or corpses or figures or effigies thereof,

(e) the public utterance of cries, singing of songs, playing of music,

(f) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, playcards or any other object or thing which may in the opinion of such authority offend against decency or morality or undermine the security of or tend to over-throw the State.

(2) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the article, corrosive substance, explosive or missile so seized shall be forefeited to the State Government.

(3) The authority empowered under sub-section (1) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(4) The authority empowered under sub-section (1) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

38. *Power to prohibit, etc., continuance of music, sound or noise.*—(1) If the Commissioner or District Superintendent is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may, by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(a) the incidence or continuance in or upon any premises of—

(i) any vocal or instrumental music,

(ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing sound, or

(b) the carrying on, in or upon any premises of any trade, avocation or operation resulting in or attended with noise.

(2) The authority empowered under sub-section (1) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

39. *Issue of orders for prevention of riot, etc.*—(1) In order to prevent

or suppress any riot or grave disturbance of peace, the Commissioner and the District Superintendent, in areas under their respective charges, may temporarily close or take possession of any building or place, and may exclude all or any persons thereform, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

(2) *Compensation to lawful occupier of building or place closed or taken possession of.*—If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on application made to the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

(3) *Disputes as to compensation to be settled.*—In the event of any dispute in any case under sub section (2) the decision of the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

40. *Issue of orders for maintenance of order at religious ceremonials, etc.*—(1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(2) Any order under sub-section (1) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

41. *Police to provide against disorder, etc., at places of amusement and public meetings.*—(1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly

or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

(2) *Police to have free access thereto.*—The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

42. *Discontinuance of brothels.*—On complaint being made to the District Magistrate or a Sub-Divisional Magistrate that any house in a town or village in his district or sub-division to which the State Government has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order, the owner or tenant, within a reasonable period, which shall be set forth in the order, to discontinue such use of it.

43. *District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.*—(1) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) It shall be lawful for the District Magistrate or for the Collector or the Chief Presidency Magistrate on the requisition of the Commissioner or the District Magistrate to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(3) When the place of assemblage is within the limits of a municipality or corporation such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality or corporation.

44 *Destruction of stray dogs.*—(1) The Commissioner and the District Superintendent in areas under their respective charges may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice, wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(2) The authority empowered under sub-section (1) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof:

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(3) Any dog which has been detained under sub-section (2) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(4) The proceeds of the sale of any dog under sub-section (3) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the consolidated fund of the State.

(5) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (4), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, 1898 (V of 1898).

45. *Destruction of suffering or unfit animals.*—(1) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed :

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

(2) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

46. *Power under this Chapter to be exercised by District Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government.*—Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17.

CHAPTER V

Special measures for maintenance of public order and safety of State.

I Employment of additional Police, recovery of cost thereof and of riot compensation—its assessment and recovery.

47. *Employment of additional Police on application of a person.*—(1) The Commissioner or District Superintendent may, on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place in the area under his charge.

(2) Such additional Police shall be employed at the cost of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as the appointing authority thinks fit.

(3) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the appointing authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the appointing authority, as the case may be, shall determine.

48. *Employment of additional police at large works and when apprehension regarding behaviour of employees exists.*—(1) Whenever it appears to the State Government or a competent authority that—

(a) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(b) that the behaviour or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional Police at such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

(2) Such additional Police shall be employed at the cost of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the State Government or the competent authority, as the case may be, shall from time to time require.

49. *Recovery of cost of additional Police employed under sections 47 and 48.*—In case of any dispute under section 47 or 48 the decision of the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in the district, shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the Chief Presidency Magistrate or the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

50. *Employment of additional Police in cases of special danger to public peace.*—(1) If in the opinion of the State Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or of any particular section of the inhabitants renders it expe-

dient temporarily to employ additional Police, it may by notification in the *Official Gazette* specify—

(a) the area (hereinafter called "the disturbance area") in which the additional Police is to be employed,

(b) the period for which the additional Police is to be employed.:

Provided that the period fixed under clause (b) may be extended by the State Government from time to time, if in its opinion it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of such notification, the State Government may require,—

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority,

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority,

(c) in any disturbance area which is outside the areas specified in clauses (a) and (b), the Collector or any other authority,

to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the State Government may direct :

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding 3 per cent. of the amount of such cost shall also be recoverable.

(4) (i) The State Government may require the Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the State Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards or sub-wards or sections.

(ii) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section (3) in such manner as the State Government may direct.

(iii) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(5) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(6) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(7) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (4) or (5), whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

51. *Compensation for injury caused by unlawful assembly, how recoverable, Date to be fixed for liability.*—(1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the *Official Gazette*, specify—

(a) the area, (hereinafter called "the disturbance area"), in which in its opinion such unlawful assembly was held ;

(b) the date on which or the period during which such unlawful assembly was held.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of a notification under sub-section (1), the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in Districts, may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(4) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority ;

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority, and

(c) in any disturbance area which is outside the area specified in clauses (a) and (b), the Collector or any other authority

to recover the amount (hereinafter called "the compensation amount") as determined under sub-section (3) either in whole or in part and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of the compensation amount (hereinafter referred to as "the Municipal recovery cost"), generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or the District Magistrate may direct.

(5) (i) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost by an addition to the general or property tax

which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

(ii) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (4) in such manner as he may direct.

(6) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(7) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(8) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (5) or (7), whether before or after the coming into operation of this Act, the proportionate amount of the municipal recovery cost shall be deducted therefrom and the amount not exceeding the compensation amount determined by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under sub-section (3) shall be paid to him for the payment of compensation to the persons entitled thereto and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(9) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of the compensation amount.

(10) The State Government may, (a) on its own motion, or (b) on an application made by a person within a period of thirty days from the date of the order of the Chief Presidency Magistrate or a District Magistrate, as the case may be, granting or refusing to grant an exemption thereunder, set aside or modify such order.

Explanation.—In this section the expression "inhabitants" when used with reference to any disturbance area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

52. *Chief Presidency Magistrate or District Magistrate to award or apportion compensation.*—(1) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation amount under sub-sections (3) to (8) of section 51 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(2) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the notification issued by the State Government under sub-section (1) of section 51 and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(3) The compensation payable to any person under section 51 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment, or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(4) Every direction and order made by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under this or the preceding section shall be subject to revision by the State Government, but save as aforesaid, shall be final.

(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

53. *Chief Presidency Magistrate or District Magistrate to discharge functions under orders of State Government.*—The Chief Presidency Magistrate or the District Magistrate, as the case may be, shall discharge his functions under sections 51 and 52 subject to any general or special orders of the State Government in this behalf.

54. *Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.*—(1) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947) where under the provisions of section 50 or 51, the Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to recover the cost of the additional police including the additional sum referred to in sub-section (3) of section 50 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called "the riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent. of such portion from the tenant in the occupation of the premises during the period fixed under sub-section (1) of section 50 or on the date or during the greater part of the period specified under clause (b) of sub-section (1) of section 51, as the case may be, in the manner specified in sub-section (2).

(2) The amount referred to in sub-section (1) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises if let, and the same shall be recoverable from the tenant in not less than four equal instalments.

(3) The provisions of sub-section (1), in so far as they relate to the recovery of the riot tax from the tenants, shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947) is in force in the said area.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences.

55. *Dispersal of gangs and bodies of persons.*—Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction within such time as such officer shall prescribe, and not to enter the area or return to the place from which each of them was directed to remove himself.

56. *Removal of persons about to commit offence.*—Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Government may, by notification in the *Official Gazette*, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf (a) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code (XLV of 1860) or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or (c) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return or to the said area from which he was directed to remove himself.

57. *Removal of persons convicted of certain offences.*—If a person has been convicted—

(a) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code (XLV of 1860), or

(b) twice of an offence under section 9 or 23 of the Bombay Beggars Act, 1945 (Bom. XXIII of 1945), or under the Bombay Prevention of Prostitution Act, 1923 (Bom. XI of 1923), or

(c) thrice of an offence within a period of three years under section 4 or 12A of the Bombay Prevention of Gambling Act, 1887 (Bom. IV of

1887), or under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction, by such route and within such time as the said officer may prescribe and not to enter or return to the area from which he was directed to remove himself.

Explanation.—For the purpose of this section "an offence similar to that for which a person was convicted" shall mean—

(i) in the case of a person convicted of an offence mentioned in clause (a), an offence falling under any of the Chapters of the Indian Penal Code mentioned in that clause, and

(ii) in the case of a person convicted of an offence mentioned in clauses (b) and (c), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

58. *Period of operation of orders under sections 55, 56 and 57.*—A direction made under section 55, 56 or 57 not to enter any particular area shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

59. *Hearing to be given before order under section 55, 56, or 57 is passed.*—(1) Before an order under section 55, 56 or 57 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to be passed against him may be passed.

60. *Appeal.*—Any person aggrieved by an order made under section 55, 56 or 57 may appeal to the State Government within thirty days from the date of such order.

61. *Finality of orders passed by State Government in certain cases.*—Any order passed under section 55, 56 or 57 or by the State Government under section 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (1) of section 59

or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 56.

62. *Procedure on failure of person to leave the area and his entry therein after removal.*—If a person to whom a direction has been issued under section 55, 56 or 57 to remove himself from an area—

(i) fails to remove himself as directed,

or

(ii) having so removed himself, except with the permission in writing of the authority making the order, enters the area within the period specified in the order,

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

63. *Temporary permission to enter or return to the area from which a person was directed to remove himself.*—(1) The State Government may, by order, permit any person in respect of whom an order has been made under section 55, 56 or 57, to enter or return for a temporary period to the area from which he was directed to remove himself, subject to such conditions as it may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.

(2) In permitting a person under sub section (1) to enter or return to the area from which he was directed to remove himself, the State Government may require him to enter into bond with or without surety for the observance of the conditions imposed.

(3) Any person permitted under sub-section (1) to enter or return to the area from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

CHAPTER VI

Executive powers and duties of the Police.

64. *Duties of a Police officer.*—It shall be the duty of every Police officer—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior ;

(b) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable offences ;

(c) to prevent to the best of his ability the commission of public nuisances ;

(d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason ;

(e) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(f) to discharge such duties as are imposed upon him by any law for the time being in force.

65. *Power to enter places of public resort.*—(1) Every Police officer may, subject to the rules and orders made by the State Government or by a person lawfully authorised, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

(2) *Power to search suspected persons in a street.*—When in a street or a place of public resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898 (V of 1898), or other law in force.

66. *Duties of Police officers towards the public.*—It shall be the duty of every Police officer –

(a) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(b) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person, to have due regard to his condition ;

(c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(e) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(f) to use his best endeavours to prevent any loss or damage by fire;

(g) to use his best endeavours to avert any accident or danger to the public.

67. *Police to regulate traffic, etc. in streets.*—It shall be the duty of a Police officer—

(a) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ;

(b) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

68. *Persons bound to conform to reasonable orders of Police.*—All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act.

69. *Power of Police officer to restrain, remove, etc.*—A Police officer

may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

70. *Enforcement of orders issued under sections 37, 38 or 39.*—Whenever a notification has been duly issued under section 37 or an order has been made under sections 38 or 39, it shall be lawful for any Magistrate in a District or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

71. *Duty of Police to see orders issued under section 43, 55, 56 or 57 are carried out.*—It shall be the duty of the Police to see that every regulation and direction made by any authority under section 43, 55, 56 or 57 is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

72. *When Police officer may arrest without warrant.*—Any Police officer may, without any order from a Magistrate and without a warrant, arrest—

(1) any person who has been concerned in an offence punishable under section 121 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence;

(2) any person who contravenes a rule or order under clause (x) of sub-section (1) of section 33 or an order or notification under section 36, 37, 56 or 57;

(3) any person who commits an offence punishable under section 122 or section 136;

73. *When Police may arrest without a warrant.*—Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890).

74. *Powers with regard to offences under Act XI of 1890.*—When in respect of an animal an offence under section 3 or section 5 or sub-section (1) of section 6 of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890), hereinafter in this section and in sections 75 and 77 referred to as the said Act, has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may—

(a) take the animal to a Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer if any, empowered by the State Government in this behalf, or

(c) take the animal to an infirmary appointed under sub-section (2) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (3) of the said section, or

(d) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal:

Provided that in cases falling under clause (b) or (d) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate :

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

75. *Power of Magistrate to return animal to person from whose possession it was taken.*—When an animal is brought before a Magistrate under section 74, the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal

76. *Veterinary officer to examine the animal.*—The veterinary officer before whom an animal is brought under section 74 shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

77. *Animal to be dealt with under Act XI of 1890.*—When under section 74 a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or under section 74 a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (5), (6), (7) and (8) of section 6 of the said Act, shall, so far as may be, apply.

78. *Power of Police officer to unsaddle the animal or unload.*—When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

79. *When Police may arrest without warrant.*—Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 122 or 125 or 130 or under section 117, clause (i) of section 135 or clause (i), (iv) or (v) of section 131 in respect of a contravention of a rule made under clause (b) of sub-section (1) of section 33 prohibiting the occupation of or sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public or of any rule made under clause (h), (r) (ii) or (u) of sub-section (1) of section 33 or of a prohibition given under clause (a), (b) or (c) of sub-section (1) of section 37, clause (i) of section 100, section 106, 110, 112, 113 or clause (a) of section 115.

80. *Other powers of arrest.*—(1) Any Police officer specially empowered in this behalf by a competent authority may arrest without warrant for an offence specified in section 110.

(2) Any Police officer may, on the information of any person in pos-

session or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

81. *Refusal to obey warning or to accompany Police.*—A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule made thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person—

(i) after being warned by a Police officer persists in committing such offence, or

(ii) refuses to accompany the Police officer to a Police Station on being required so to do.

82. *Police to take charge of unclaimed property.*—(1) The Police shall take temporary charge—

(a) of all unclaimed property found by, or made over to them, and also

(b) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(2) In Greater Bombay the property of which the Police have taken charge under sub-section (1) shall be handed over to the Commissioner.

83. *Intestate property over four hundred rupees in value.*—(1) In Greater Bombay if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the Administrator General's Act, 1913 (III of 1913), or other law for the time being in force.

(2) In areas outside Greater Bombay the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the police-patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

84. *Intestate property over four hundred rupees in value.*—If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867 (Bom. VIII of 1867), appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realise more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force.

85. *Procedure in other cases.*—(1) In any case not covered by section 83 or 84 the Commissioner or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this be-

half and establish his claim within six months from the date of such proclamation.

(2) *Power to sell perishable property at once.*—If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

86. *Delivery of property to person entitled.*—(1) The Commissioner or the Magistrate concerned, as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

(2) *Power to take security.*—The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

87. *In default of claim, property to be at disposal of State Government.*—If no person establishes his claim to such property within the period specified in the proclamation it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (2) of section 85, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

88. *Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827.*—Nothing in the Indian Succession Act, 1925 (XXXIX of 1925), or in the Administrator General's Act, 1913 (III of 1913), shall apply to intestate property which is dealt with by the Commissioner, under sub-section (1) of section 85, nor shall the provisions of section 10 of Regulation VIII of 1827 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (1) of section 85.

89. *Police officer may take charge of stray cattle.*—In any area outside Greater Bombay, a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871 (I of 1871), which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act.

90. *Power to establish cattle-pounds and appoint pound-keepers.*—(1) In Greater Bombay, the Commissioner and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections 91, 92, 93 and 94 of this Act, any officer appointed in that behalf by the State Government shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government.

(2) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner, or such

officer as aforesaid.

91. *Impounding of cattle.*—It shall be the duty of every Police officer, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in Greater Bombay or in such areas as aforesaid.

92. *Delivery of cattle claimed.*—If the owner of the cattle impounded under section 91 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 94.

93. *Sale of cattle not claimed.*—(1) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section 94, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf or any other officer appointed under section 90 that he was the owner of such animal, and shall, in any other case, form part of the consolidated fund of the State.

(2) No Police officer or pound-keeper shall, directly or indirectly, purchafe any cattle at a sale under sub-section (1).

94. *Rate to be fixed by notification.*—(1) The pound-fee chargeable shall be such as the State Government may, from time to time by notification in the *Official Gazette*, specify for each kind of animal for the whole State or for such area as may be specified in the notification.

(2) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner or any officer appointed as aforesaid in respect of such animal.

95. *Powers as to inspection, search and seizure of false weights and measures.*—(1) Notwithstanding anything contained in section 153 of the Code of Criminal Procedure, 1898 (V of 1898) any Police officer generally or specially deputed, in Greater Bombay, by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(2) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

96. *Procedure to be followed by officers and Magistrates in certain cases.*—(1) Notwithstanding anything contained in sections 129, 130, sub-section (2) of section 167, and section 173 of the Code of Criminal Procedure, 1898 (V of 1898).

(i) the powers and duties of a Magistrate under sections 129 and 130

of that Code may, in Greater Bombay, be exercised and peformed by the Commissioner;

(ii) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (2) of section 167 of the Code, may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(iii) the officer in charge of the Police station shall forward his report under section 173 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

(2) Nothing contained in section 62 of the Code of Criminal Procedure, 1898 (V of 1898) shall operate to require any officer in charge of a Police Station in Greater Bombay to submit any report provided for by that section to any Magistrate.

(3) Section 127 and 128 of the Code of Criminal Procedure, 1898 (V of 1898) in their application to Greater Bombay shall be amended as follows:—

(a) in section 127, for the words "police station" the words "section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf" shall be substituted ;

(b) in section 128, for the words "police station whether within or without the presidency-towns" the words and figures "section or any police officer authorised under section 127" shall be substituted.

97. *A superior Police Officer may himself perform duties imposed on his inferior; etc.*—A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him ; and in case of any duty imposed on such subordinate a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

98. *Emergency duties of Police.*—(1) The State Government may, by notification in the *Official Gazette*, declare any specified service to be an essential service to the community :

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(2) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration ; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

CHAPTER VII.

Offences and Punishments.

99. No person shall—

(a) *Disregarding the rule of the road*—when driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep, on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle ; or

(b) *Leaving cattle, etc., insufficiently tended*—leave in any street or

public place insufficiently tended or secured any animal or vehicle.

100. *Causing obstruction or mischief by animal.*—No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place,—

(i) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle ; or

(ii) by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by a competent authority.

101. *Exposing animal for hire or sale, etc.*—No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as a competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public.

102. *Causing any obstruction in a street.*—No person shall cause obstruction in any street or public place by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street or public place as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by a competent authority by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

103. *Obstructing a footway.*—No person shall drive, ride, lead, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal so that the same can stand across or upon such footway.

104. *Exhibiting mimetic, musical or other performances, etc.*—No person shall exhibit contrary to any regulation made and notified by the Commissioner or a District Magistrate, as the case may be any mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned.

105. *Doing offensive acts on or near street or public place.*—No person shall slaughter any animal, clean a carcase or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passers by.

106. *Letting loose horse, etc. and suffering ferocious dogs to be at large.*—No person shall in any street or public place (A) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without a muzzle, or (B) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

107 *Bathing or washing in places not set apart for those purposes.*—No person shall bathe or wash in or by the side of a public well, tank, or reservoir not set apart for such purpose by order of a competent authority,

or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the competent authority.

108. *Defiling water in public wells, etc.*—No person shall defile or cause to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority.

109. *Obstructing bathers.*—No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 107 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

110. *Behaving indecently in public.*—No person shall wilfully and indecently expose his person in any street or public place or within sight of, and in such manner as to be seen from, any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or place of public resort or in any office, station or station house.

111. *Obstructing or annoying passengers in the street.*—No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise disturb the public peace or order.

112. *Misbehaviour with intent to provoke a breach of the peace.*—No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

113. *Prohibition against flying kite.*—No person shall fly a kite so as to cause danger, injury or alarm to persons, houses or property.

114. *Begging and exposing offensive ailments.*—No person shall beg importunately for alms or direct or permit children under his control to beg for alms, or expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in, or near to, and within sight of, any street.

115. *Committing nuisance in or near street, etc.*—No person shall in or near to any street, public place or place of public resort—

(a) commit a nuisance by easing himself, or

(b) having the care or custody of any child under seven years of age, suffer such child to commit a nuisance as aforesaid.

116. *Disregard of notice in public building.*—No person shall, in any Court, Police Station, Police office, building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, office or building.

117. *Penalties for offenders under sections 99 to 116.*—Any person who contravenes any of the provisions of sections 99 to 116 (both inclusive) shall on conviction, be punished with fine which may extend to fifty rupees.

118. *Penalty for failure to keep in confinement cattle, etc.*—(1) In any local area in which the State Government by notification in the *Official Gazette* brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, be punished with fine which may extend to one hund-

red rupees or on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

(2) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871 (I of 1871). All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

119. *Punishment for cruelty to animals.*—Whoever in any place outside Greater Bombay cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

120. *Wilful trespass.*—Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

121. *False alarm of fire or damage to fire-alarm.*—Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise, damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

122. *Being found under suspicious circumstances between sunset and sunrise.*—Whoever is found between sunset and sunrise—

(a) armed with any dangerous instrument with intent to commit an offence, or

(b) having his face covered, or otherwise disguised, with intent to commit an offence, or

(c) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(e) having in his possession without lawful excuse (the burden of

proving which excuse shall be on such person) any implement of house-breaking, shall, on conviction, be punished with imprisonment for a term which may extend to three months.

123. *Carrying weapon without authority.*—Whoever not being a member of the armed forces of the Union and acting as such or a Police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner or the District Magistrate in areas under their respective charges imposes.

124. *Possession of property of which no satisfactory account can be given*—Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

125. *Taking spirits into public hospital or into barracks or on boards of vessels of war.*—Whoever –

(a) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

(b) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or prepa a-tions not belonging to any person above the rank of a non-commissioned officer.

(i) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(ii) on board or alongside of any vessel of war belonging to Government,

shall, on conviction, be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

126. *Omission by pawn brokers etc. to report to Police possession or tender of property suspected to be stolen.*—Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charges to be such a person, and having received from a Police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever made to him, of property answering the description contained in such information, shall, unless—

(i) he forthwith gives information to the Commissioner, or the District Superintendent, as the case may be, or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from

whom the possession or offer was received, or

(ii) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

127. *Melting, etc., of such property.*—Whoever, having received such information as is referred to in section 126, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code (XLV of 1860), or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

128. *Taking pledge from child.*—Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

129. *Permission of disorderly conduct at places of public amusement, etc.*—Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever, in such place, shall, on conviction, be punished with a fine which may extend to one hundred rupees.

130. *Cheating at games.*—Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wages, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code (XLV of 1860) and be liable to punishment accordingly.

131. *Penalty for contravening rules, etc., under section 33.*—(a) Whoever contravenes any rule or order made under section 33 or contravenes any of the conditions of a licence issued under any such rule or order, or,

(b) abets the commission of any offence under clause (a), shall, on conviction be punished—

(i) if the rule or order under which the said licence was issued was made under clause (d), (g), (h), (i), sub-clauses (i) and (ii) of clause (r) or clause (u) of sub-section (1) of section 33, with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees or with both;

(ii) if the rule or order contravened was made under clause (x) of sub-section (1) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both;

(iii) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (n) and (o) of sub-section (1) of section 33 with fine which may extend to two hundred rupees;

(iv) if the rule or order contravened was made under clause (b) of

sub-section (1) of section 33 and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public—

(a) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(b) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ; and

(v) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

132. *Penalty for disobedience to order under section 31.*—Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 31 requiring him to vacate any premises, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

133. *Penalty for contravening rules, etc., under section 35.*—Whoever contravenes any rule made under section 35 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

134. *Penalty for contravention of rule etc., under section 36.*—Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under section 36 shall, on conviction, be punished with fine which may extend to two hundred rupees.

135. *Penalty for contravention of rules or directions under section 37, 39 or 40.*—Whoever disobeys an order lawfully made under section 37, 39 or 40 or abets the disobedience thereof shall, on conviction, be punished—

(i) if the order disobeyed or of which the disobedience was abetted was made under sub-section (1) of section 37 or under section 39, or section 40, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and

(ii) if the said order was made under sub-section (2) of section 37, with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees, and

(iii) if the said order was made under sub-section (3) of section 37, with fine which may extend to one hundred rupees.

136. *Penalty for contravening rules, etc., made under section 38.*—Whoever disobeys any direction lawfully made under section 38 or abets the disobedience thereof shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

137. *Penalty for contravening rules, etc., made under section 41.*—Whoever opposes or fails to conform to any direction given by the Police under section 41 shall, on conviction, be punished with fine which may extend to two hundred rupees.

138. *Penalty for failure to comply with order under section 42.*—Whoever fails to comply with an order made under section 42 shall, on conviction, be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

139. *Penalty for contravention of a regulation made under section 43.*—Whoever contravenes or abets the contravention of any regulation made

under section 43 shall on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both.

140. *Penalty for contravening directions under section 68.*—Whoever opposes or fails to conform to any direction given by the Police under section 68 or abets the opposition or failure to do so shall, on conviction, be punished with fine which may extend to fifty rupees.

141. *Penalty for contravention of directions under section 55, 56 or 57.*—Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56 or 57 or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months and shall also be liable to fine.

142. *Penalty for entering area from which person has been directed to remove himself.*—Notwithstanding anything contained in section 62 any person who, in contravention of a direction issued to him under section 55, 56 or 57 enters the area from which he was directed to remove himself shall, on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.

143. *Penalty for failure to surrender in accordance with sub-section (3) of section 63.*—Whoever fails without sufficient cause to surrender in accordance with sub-section (3) of section 63 shall on conviction, be punished with imprisonment which may extend to two years and shall also be liable to fine.

144. *Neglect or refusal to serve as Special Police officer.*—Any person who having been appointed a Special Police officer under section 21 shall, without sufficient cause, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall, on conviction, be punished with fine which may extend to fifty rupees.

145. *Penalty for making false statement, etc., and for misconduct of Police officers.*—(1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

(2) any Police officer who (a) is guilty of cowardice, or (b) resigns his office or withdraws himself from duties thereof in contravention of section 29, or (c) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such Police officer, it is his duty to observe or obey, or (d) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force, shall on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

(3) *Consequence of failure to return to duty after leave.*—A Police officer who being absent on leave fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of clause (b) of sub-section (2), be deemed to withdraw himself from the duties of his office within the meaning of section 29.

146. *Penalty for failure to deliver up certificate of appointment or of office or other article.*—Any Police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 30, shall, on conviction, be punished with imprisonment for a term which may extend

to one month, or with fine which may extend to two hundred rupees, or with both.

147. *Vexatious entry, search, arrest, etc., by Police officer.*—Any Police officer who—

(a) without lawful authority or reasonable cause enters or searches, or causes to be entered or search, any building, vessel, tent or place ;

(b) vexatiously and unnecessarily seizes the property of any person ;

(c) vexatiously and unnecessarily detains, searches or arrests any person ;

(d) offers any unnecessary personal violence to any person in his custody, or

(e) holds out any threat or promise not warranted by law,

shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

148. *Penalty for vexatious delay in forwarding a person arrested.*—Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

149. *Penalty for opposing or not complying with direction given under section 70.*—Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 70 or abets opposition thereto or failure to comply therewith, shall, on conviction, be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine.

150. *Jurisdiction when offender is a Police officer above the rank of constable.*—Offences against that Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable except by a Presidency Magistrate or a Magistrate not lower than a second class Magistrate.

151. *Prosecution for certain offences against the Act to be in the discretion of the Police.*—It will not, except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section 117, 119, 131, 134, 137, 139, 140 or 144 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

152. *Prosecution for offences under other enactments not affected.*—Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898 (V of 1898).

CHAPTER VIII.

Miscellaneous.

153. *Disposal of fees, rewards, etc.*—All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such such fees or sums belong under the provi-

sions of any enactment in force to any local authority, be credited to the State Government :

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

154. *No municipal or other rates to be payable by State Government on Police buildings.*—No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay, by members of the Police Force for the convenient performance of their duties.

155. *Method of proving orders and notifications.*—Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

156. *Rules and orders not invalidated by defect of form or irregularity in procedure.*—No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

157. *Presumption in prosecutions for contravention of directions issued under section 55, 56, or 57.*—Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56 or 57 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed—

(a) that the order was made by the authority competent under this Act to make it ;

(b) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same ; and

(c) that the order was otherwise valid and in conformity with the provisions of this Act.

158. *Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.*—If any person permitted under sub-section (1) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (2) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

159. *No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.*—No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

160. *No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.*—No public

servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

161. *Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.*—(1) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

(2) *In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.*—In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) *Plaint to set forth service of notice and tender of amends.*—The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

162. *Licences and written permissions to specify conditions, etc., and to be signed.*—(1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged thereof as is prescribed by any rule under this Act in that behalf.

(2) *Revocation of licences, etc.*—Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

(3) *When licence revoked, etc. grantee to be deemed without licence.*—When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) *Grantee to produce licence, etc., when required.*—Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf

of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

163. *Public notices how to be given.*—Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers,—English or regional language or Hindi,—as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

164. *Consent, etc., of a competent authority may be proved by writing under his signature.*—Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

165. *Signature on notices, etc., may be stamped.*—Every licence, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

166. *Persons interested may apply to State Government to annul, reverse or alter any rule or order.*—(1) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

(2) *When a suit shall lie to the District Court to declare a rule or order unlawful.*—After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

167. *Repeal and saving.*—(1) The enactments specified in Schedule I are hereby repealed:

Provided that—

(i) All rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forefeited and incurred thereunder.

(ii) All references made in any Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area ;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forefeiture or punishment ;

(e) any legal proceeding pending in any Court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings ; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

(3) The enactment specified in Schedule III in its application to the State of Bombay, is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

168. *Saving of Bombay Village Police Act and enactment relating to reserve Police.*—Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867 (Bom. VIII of 1867), or any enactment which may be made in regard to the reserve Police.

SCHEDULE I.

[*See* Sections 3 and 5 and sub-section (1) of section 167]

Year. 1	No. 2	Short title. 3
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
1949	XIV	The Police Forces (Control and Direction) Act, 1949.

SCHEDULE II

(*See* section 14.)

CERTIFICATE
OF
APPOINTMENT IN THE POLICE FORCE.

No. ....

STATE OF BOMBAY.

Certificate of Appointment issued under the Bombay Police Act of 1951 ....
.... Act of 1861.

Mr. .... has been appointed as ....and is invested with the powers, functions and privileges of a Police officer under the Bombay Police Act of 1951
Act V of 1861

(Photograph to be affixed in the case of Inspectors and Sub-Inspectors.)

Greater Bombay

In the Bombay District Police

Railway Police.

On the.....day of..... 19 .

Signature.....

Designation.....

SCHEDULE III

(*See* sub-section (3) of section 167.)

Year.	No.	Short title.	Amendment.
1	2	3	4
1898.	V	Code of Criminal Procedure.	In clause (a) of sub-section (2) of section 1 of the Act— (i) for the words "towns of Calcutta, Madras and Bombay", the words "towns of Calcutta and Madras" shall be substituted ; (ii) for the words "towns of Calcutta and Bombay", the words "town of Calcutta" shall be substituted.

The Bombay Seals (Application to Scheduled Areas) Regulation, 1951.

The following Regulation made by the Governor of Bombay in exercise of the powers conferred on him by sub-paragraph 2 of paragraph 5 of the Fifth Schedule to the Constitution of India has been assented to by the President on the 22nd February 1951 [Vide Notification No. 7254/5 of the Home Department, dated the 7th May 1951, published in the *Bombay Government Gazette*, Part IV, dated the 12th May, 1951]

Bombay Regulation No. I of 1951.

A regulation for the application of the Bombay Seals Act, 1949, to certain Scheduled Areas

WHEREAS it is necessary to extend the provisions of the Bombay Seals Act (Bom. XXII of 1949), to certain Scheduled Areas in the State of Bombay for the peace and good government of the said Areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is, with the assent of the President, hereby pleased to make the following Regulation, namely :—

1. *Short title, extent and commencement.*—(1) This Regulation may be called the Bombay Seals Act (Application to Scheduled Areas) Regulation, 1951.

(2) It extends to the Scheduled Areas specified in the Schedule annexed hereto.

(3) It shall come into force at once.

2. *Application of Bom. XXII of 1949, to Scheduled Areas.*—Sections 3 and 4 of the Bombay Seals Act, 1949 (Bom. XXII of 1949), shall apply to the areas specified in the Schedule annexed hereto.

SCHEDULE

(*See* section 2.)

(1) Navapur Petha and Akrani Mahal in West Khandesh District.

(2) The Satpura Hills reserved forest areas in East Khandesh District.

(3) Kalvan Taluka and Peint Petha in Nasik District.

(4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

The Bombay Secondary School Certificate Examination Act (Application to Scheduled Areas) Regulation, 1951.

The following Regulation made by the Governor of Bombay in exercise of the powers conferred on him by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, has been assented to by the President on the 3rd May 1951 [Vide Notification No. SSC 1350E-24892, dated the 27th June 1951, published in the *Bombay Government Gazette*, Part IV, dated the the 29th June 1951].

Bombay Regulation No. II of 1951

A Regulation for the application of the Bombay Secondary School Certificate Examination Act, 1948, to certain Scheduled Areas in the State of Bombay.

WHEREAS it is necessary to apply the provisions of the Bombay Secondary School Certificate Examination Act, 1948 (Bom. XLIX of 1948), to certain Scheduled Areas in the State of Bombay for the peace and good government of the said areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following regulation, namely :—

1. *Short title and extent* – (1) This Regulation may be called the Bombay Secondary School Certificate Examination Act (Application to Scheduled Areas) Regulation, 1951

(2) It extends to the areas specified in the Schedule appended to this Regulation.

2. *Application of Bombay Secondary School Certificate Examination Act to certain Scheduled Areas.*— The Bombay Secondary School Certificate Examination Act, 1948 (Bom XLIX of 1948) (hereinafter referred to as the said Act), shall, subject to the modification specified in section 3, apply to the areas specified in the Schedule (hereinafter referred to as the said areas), and sections 1 to 33 of the said Act shall be deemed to be and to have been in force in the said areas with effect from the 7th day of October 1948 and section 34 with effect from the 1th day of November 1948.

3. *Modification of Act in its application to said areas.*—In the application of the said Act to the said areas, sub-section (2) of section 1 thereof shall be deleted.

THE SCHEDULE

(1) Navapur Petha and Akrani Mahal in West Khandesh District.

(2) The Satpura Hills reserved forest areas in East Khandesh District.

(3) Kalvan Taluka and Peint Petha in Nasik District.

(4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

The Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 8th October 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 16th October 1951.

Bombay Act No. XXXIV of 1951.

An Act to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

WHEREAS it is expedient to amend the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), in the manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Tenancy and Agricultural Lands (Second Amendment) Act, 1951.

2. *Insertion of new section 25A in Bom. LXVII of 1948.*—After section 25 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), the following section shall be inserted, namely :—

"25A. *Tenancy to be in abeyance during usufructuary mortgage in favour of tenant.*—If any land is mortgaged by a landlord by way of a usufructuary mortgage to a tenant cultivating such land, the tenancy of such land shall be in abeyance during the period the mortgage subsists. After the expiry of the said period it shall, notwithstanding any other law for the time being in force, be lawful for the tenant to continue to hold the land on the terms and conditions on which he held it before the mortgage was created".

The Bombay Legislature Members (Removal of Disqualifications) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 17th September 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 20th September 1951.

Bombay Act No. XXV of 1951.

An Act to provide for the removal of certain disqualifications for being chosen as, and for being, a member of the Bombay Legislative Assembly and the Bombay Legislative Council.

WHEREAS by the Constitution of India, provision has been made for declaring by Act of the State Legislature any office of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution not to disqualify its holder for being chosen as, and for being, a member of a State Legislature ; And whereas it is expedient to make such declaration ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Legislature Members (Removal of Disqualifications) Act, 1951.

2. *Removal of certain disqualifications.*—A person shall not be disqualified for being chosen as, or for being, a member of the Bombay Legislative Assembly or the Bombay Legislative Council merely by reason of the fact that he holds any of the offices specified in the Schedule appended hereto.

3. *Repeal.*—The Bombay Legislature Members (Removal of Disqualifications) Act, 1937 (Bom. I of 1937), is hereby repealed.

4. *Act to come into force on 26th January 1950.*—The provisions of this Act shall be deemed to have come into force on the 26th day of January 1950.

Schedule

1. The office of the Parliamentary Secretaries to the Ministers of the Government of Bombay.

2. The office of part-time professors or lecturers in a Government college.

3. Any office in the National Cadet Corps or the Territorial Army.

4. The office of the Secretaries of the District Rural Development Boards :

Provided that the holders of such office do not hold any other office of

profit under the State Government.

The Bombay Local Boards (Second Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the Governor on the 21st September 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 25th September 1951.

Bombay Act No. XXVII of 1951.

An Act to amend the Bombay Local Boards Act, 1923.

WHEREAS it is expedient to amend the Bombay Local Boards Act, 1923 (Bom. VI of 1923), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Local Boards (Second Amendment) Act, 1951.

2. *Amendment of section 131A of Bom. VI of 1923.*—In section 131A of the Bombay Local Boards Act, 1923 (Bom. VI of 1923), in sub-section (3), for the words "two years" the words "three years" shall be substituted.

The Bombay Land Requisition (Amendment) Act, 1951.

The following Act of the Bombay Legislature has been assented to by the President on the 31st October 1951 and was published in the *Bombay Government Gazette*, Part IV, dated the 1st November 1951.

Bombay Act No. XL of 1951.

An Act to amend the Bombay Land Requisition Act, 1948.

WHEREAS it is expedient to amend the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Land Requisition (Amendment) Act, 1951.

2. *Insertion of new section 21 in Bom. XXXIII of 1948.*—After section 20 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the following section shall be inserted, namely :—

"21. *Validation of requisition orders.*—(1) Notwithstanding anything contained in this Act, or a judgment, decree or order of a Court, if any order for requisition made under section 5, 6 or 7 on or after the 26th January 1950 and before the commencement of the Bombay Land Requisition (Amendment) Act, 1951 (Bom. XL of 1951), has not specified the purpose for which such requisition was made, but if such order for requisition was in fact made for the purpose of the State or any other public purpose, such order shall not be deemed to be or ever to have been invalid, nor shall such order be called in question in any Court merely on the ground that the order has not specified the purpose for which the requisition was made.

(2) Nothing contained in this section shall—

(a) affect the judgment, decree or order of any competent Court passed before the 31st August 1951 holding any such order invalid on the ground specified in sub-section (1), or

(b) preclude any Court from requiring the State Government or the officer who made such order for requisition to produce before it evidence to show that the order for requisition was in fact made for the purpose of the State or any other public purpose"

PART VI

ORISSA ACTS

The Orissa Appropriation (No. 3) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 2nd January 1951 [Vide Notification No. 143-Legis., of the Law Department, dated the 5th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 6th January 1951.]

Orissa Act I of 1951

An Act to authorise payment and appropriation of certain further sums from and out of the consolidated fund of the State of Orissa for the service of the year ending on the thirty-first day of March 1951.

BE it enacted by the Legislature of the State of Orissa as follows :—

1. *Short title.*—This Act may be called the Orissa Appropriation (No. 3) Act, 1950.

2. *Issue of Rs. 35,00,000 out of the Consolidated Fund of Orissa for the year 1950-51.*—From and out of the Consolidated Fund of Orissa there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees thirty five lakhs towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid, and applied from and out of the Consolidated Fund of Orissa by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

SCHEDULE

1	2	3		
Grant No.	Service and purpose	Sums not exceeding—		
		Voted by Legislature.	Charged on the Consolidated Fund.	Total.
		Rs.		Rs.
	OTHER EXPENDITURE (Capital Account)			
85-B	—Appropriations to the Contingency Fund.	35,00,000	...	35,00,000
	Total ...	35,00,000	....	35,00,000

The Orissa Money-Lenders (Application of Certain Provisions) Regulation, 1950

The following Regulation made by the Governor of Orissa under sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India was assented to by the President on the 7th January 1951 [Vide Notification No. 390-Legis., of the Law Department, dated the 13th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 15th January 1951.]

Orissa Regulation No. I of 1951.

A Regulation to apply Certain Provisions of the Orissa Money-Lenders Act, 1939.

WHEREAS it is expedient to apply sections 4, 5, 6, 7, 8, 18 and 19 of the Orissa Money-Lenders Act, 1939 (Orissa Act III of 1939), to Koraput, Ganjam Agency and the Khondmals which are for the time being Scheduled Areas within the State of Orissa ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 read with sub-paragraph (2) thereof of the Fifth Schedule to the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Regulation :—

1. *Short title, extent and commencement.*—(1) This Regulation may be called the Orissa Money Lenders (Application of Certain Provisions) Regulation, 1950.

(2) It shall apply to Koraput, Ganjam Agency and the Khondmals.

(3) It shall come into force at once.

2. *Application of certain sections of Orissa Money Lenders Act, 1939 to Koraput, Ganjam Agency and Khondmals.*—Sections 4, 5, 6, 7, 8, 18 and 19 of the Orissa Money Lenders Act, 1939 (Orissa Act III of 1939) shall apply to Koraput, Ganjam Agency and the Khondmals.

The Orissa Hindu Religious Endowments (Amendment) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 5th January 1951 [Vide Notification No. 215-Legis., of the Law Department, dated the 8th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 9th January 1951.]

Orissa Act II of 1951.

An Act further to amend the Orissa Hindu Religious Endowments (Amendment) Act, 1947.

WHEREAS it is expedient further to amend the Orissa Hindu Religious Endowments (Amendment) Act, 1947 (Orissa Act XXXI of 1947), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Hindu Religious Endowments (Amendment) Act, 1950.

(2) It shall come into force at once.

2. *Amendment of section 3, Orissa Act XXXI of 1947.*—In sub-section (1) of section 3 of the Orissa Hindu Religious Endowments (Amendment) Act, 1947 (Orissa Act XXXI of 1947) (hereinafter referred to as the said Act), for the words "two years" the words "four years" shall be substituted.

3. *Amendment of section 4, Orissa Act XXXI of 1947.*—In section 4 of the said Act, for the words "two years" the words "four years" shall be substituted.

The Orissa Drugs Control (Amendment) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 4th January 1951 [Vide Notification No. 217-Legis., of the Law Department, dated the 8th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 9th January 1951.]

Orissa Act IV of 1951.

An Act to amend the Orissa Drugs (Control) Act, 1950.

WHEREAS it is expedient to amend the Orissa Drugs (Control) Act, 1950 (Orissa Act V of 1950) in the manner hereinafter appearing :

It is hereby enacted as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Orissa Drugs Control (Amendment) Act, 1950.

(2) It shall come into force at once.

2. *General amendment.*—In the Orissa Drugs (Control) Act, 1950 (hereinafter referred to as the said Act), for the words "Province" and "Provincial" wherever they occur, the word "State" shall be substituted.

3. *Amendment of section 2, Orissa Act V of 1950.*—To clause (i) of sub-section (2) of section 2 of the said Act, the following words shall be added, namely :—

"or when held by that person on behalf of another person" ;

4 *Amendment of section 5, Orissa Act V of 1950* In clause (c) of section 5 of the said Act, for the word "article" the word 'drug" shall be substituted.

5. *Amendment of section 8, Orissa Act V of 1950* —In section 8 of the said Act, the words "or any officer authorised by the Provincial Government in that behalf" shall be omitted

6. *Amendment of section 10, Orissa Act V of 1950* —(1) In sub-section (1) of section 10 of the said Act, after the words "drugs held for sale" the words "and the quantities of such drugs in his possession," shall be inserted.

(1) In sub-section (2) of section 10 of the said Act, after the words "efface or alter", the words "or cause to be destroyed, effaced or altered" shall be inserted.

7. *Amendment of section 12, Orissa Act V of 1950* For section 12, of the said Act the following section shall be substituted, namely :—

"12 *Prohibition or regulation of the disposal of drugs*—If in the opinion of the State Government it is necessary or expedient so to do, they may, by order in writing—

(a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order ;

(b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order ;

and make such further orders as appear to them to be necessary or expedient in connection with any order issued under this section.

8. *Amendment of section 13, Orissa Act V of 1950.*—In sub-section (1) of section 13 of the said Act, after the words "this Act or" the word 'of' shall be deleted and the words "fails to comply with" shall be inserted.

9. *Amendment of section 16, Orissa Act V of 1950.*—To section 16 of the said Act, the following words and figures shall be added, namely :—

"and the provisions of the Code of Criminal Proceedure, 1898 (V of 1898), shall, so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code".

10. *Amendment of section 17, Orissa Act V of 1950*.—In sub-section (2) of section 17 of the said Act, clause (d) shall be omitted.

The Orissa Merged States' (Laws) (Second Amendment) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 5th January 1951 [Vide Notification No. 217-Legis., of the Law Department, dated the 8th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 9th January 1951.]

Orissa Act III of 1951.

An Act futther to amend the Orissa Merged States' (Laws) Act, 1950.

WHEREAS it is expedient further to amend the Orissa Merged States' (Laws) Act, 1950 (Orissa Act IV of 1950), in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Merged States' (Laws) (Second Amendment) Act, 1950.

(2) It shall come into force at once.

2. *Amendment of the Schedule, Orissa Act IV of 1950.*—In the Schedule to the Orissa Merged States' (Laws) Act, 1950 (Orissa Act IV of 1950)—

in clause (d) of the modifications or amendments in the fourth column against the entry 'The Legal Practitioners' Act, 1879' after the words "the merged States" in clause (1) of section 42 inserted under the said clause (d) the following words shall be inserted, namely :—

"and all the pleaders in the merged State of Mayurbhanj who were enrolled as such and who practised as advocates in the defunct High Court of Mayurbhanj".

The Angul Laws Regulation (Amendment) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 9th January 1951 [Vide Notification No. 301-Legis., of the Law Department, dated the 10th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 11th January 1951.]

Orissa Act V of 1951.

An Act to amend the Angul Laws Regulation, 1936.

WHEREAS it is expedient to amend the Angul Laws Regulation, 1936 (Orissa Regulation V of 1936), for purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Angul Laws Regulation (Amendment) Act, 1950.

(2) It shall come into force at once.

2 *Amendment of section 2, Orissa Regulation V of 1936*.—In clause (f) of section 2 of the Angul Laws Regulation, 1936 (Orissa Regulation V of 1936) (hereinafter referred to as the said Regulation), for the words "at Patna" the words "of Orissa" shall be substituted.

3. *Amendment of section 69, Orissa Regulation V of 1936.*—In section 69 of the said Regulation, *clause* (*b*) *of sub-section* (*1*)[1] shall be omitted.

4. *Amendment to the Schedule, Orissa Regulation V of 1936.*—In the Schedule to the said Regulation, the following amendments shall be made, namely :—

(a) In part I—

(i) the entry "1827 III. The Bengal Corruption and Extortion Regulation, 1827 Ditto " shall be inserted immediately below the entry "1825. VI. The Bengal Troops Transport Regulation, 1825. The whole".

(b) In part II—

(ii) the entry "1851. VIII. The Indian Tolls Act, 1851. Ditto " shall be inserted immediately below the entry "1850. XXXIV. The State Prisoners Act, 1850. Ditto ".

(iii) the entry "1859 IX. The Forfeiture Act, 1859. Ditto " shall be inserted immediately below the entry "1858. III. The State Prisoners Act, 1858 Ditto ".

(iv) the entry "1860. XXI. The Societies Registration Act, 1860. Ditto " shall be inserted immediately below the entry "1859. IX. The Forfeiture Act, 1859. Ditto".

(v) the entry "1864. XV. The Indian Tolls Act, 1864. Ditto" shall be inserted immediately below the entry "1864. III. The Foreigners Act, 1864. Ditto".

(vi) the entry "1871. XXIII. The Pensions Act, 1871. Ditto" shall be inserted immediately below the entry "1871. V. The Prisoners Act, 1871. Section 15".

(vii) the entry "1880. XII. The Kazis Act, 1880, Ditto" shall be inserted immediately below the entry "1880. I. The Religious Societies Act, 1880. The whole".

(viii) the entry "1892. X. The Government Management of Private Estates Act, 1892. The whole" shall be inserted immediately below the entry "1890. XIII. The Excise (Malt Liquors) Act, 1890. Section 9".

(ix) in the entry "1894. I. The Land Acquisition Act, 1894. The whole" the word "Ditto" shall be substituted for the words "the whole".

(x) the entry "1910. IX. The Indian Electricity Act, 1910. Ditto" shall be inserted immediately below the entry "1910. V. The Daurine Act, 1910. Ditto".

(xi) the entry "1912. VIII. The Wild Birds and Animals Protection Act, 1912. The whole" shall be inserted immediately below the entry "1912 IV. The Indian Lunacy Act, 1912. The whole except Ch. IV".

(xii) in the entry "1913. II. The Official Trustees Act, 1913. The whole" the word "Ditto" shall be substituted for the words "the whole".

(xiii) the entry "1919. I. The Local Authorities Pensions and Gratuities Act, 1919. Ditto" shall be inserted immediately below the entry "1918. XXIII. The Cotton Cloth Act, 1918. Ditto".

(xiv) the entry "1923. V. The Indian Boilers Act, 1923. Ditto" shall be inserted immediately below the entry "1923. IV. The Indian Mines Act, 1923. Ditto".

(xv) the entry "1924. XIII. The Indian (Specified Instruments) Stamp Act, 1924. Ditto" shall be inserted immediately below the entry "1924. VI. The Criminal Tribes Act, 1924. Ditto".

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1. Substituted for "sub-section (2)" by Notification No. 696-Legis., dated the 24th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 27th January 1951.

(xvi) the entry "1925. XII. The Cotton Ginning and Pressing Factories Act, 1925. Ditto" shall be inserted immediately below the entry "1925. IV. The Indian Soldiers (Litigation) Act, 1925. Ditto".

(xvii) the entry "1926. XVI. The Indian Trade Unions Act, 1926. Ditto" shall be inserted immediately below the entry "1926. XII. The Contempt of Courts Act, 1926. Ditto".

(xviii) the entry "1930. II. The Dangerous Drugs Act, 1930. Ditto" shall be inserted immediately below the entry "1929. XIX. The Child Marriage Restraint Act, 1929. Ditto".

(xix) the entry "1932. IX. The Indian Partnership Act, 1932. Ditto" shall be inserted immediately below the entry "1931. XXIII. The Indian Press (Emergency Powers) Act, 1931. Ditto".

(xx) the entry "1936. IV. The Payment of Wages Act, 1936. Ditto" shall be inserted immediately below the entry "1936. III. The Parsi Marriage and Divorce Act, 1936. Ditto".

(xxi) the entry "1937. XII. The Agriculturists' Loans (Orissa Amendment) Act, 1937. Ditto" shall be inserted immediately below the entry "1937. VI. The Arbitration (Protocol and Convention) Act, 1937. Ditto".

(xxii) the entry "1942. XVIII. The Weekly Holidays Act, 1942. Ditto" shall be inserted immediately below the entry "1937. XII. The Agriculturists' Loans (Orissa Amendment) Act, 1937".

(xxiii) the entry "1946. XXII. The Mica Mines Labour Welfare Fund Act, 1946. Ditto" shall be inserted immediately below the entry "1942. XVIII. The Weekly Holidays Act, 1942. Ditto".

(xxiv) the entry "1947. XXXII. The Coal Mines Labour Welfare Fund Act, 1947. Ditto" shall be inserted immediately below the entry "1946. XXII. The Mica Mines Labour Welfare Fund Act, 1946. Ditto".

(xxv) the entry "1948. XLVI. The Coal Mines Provident Fund and Bonus Schemes Act, 1948. Ditto" shall be inserted immediately below the entry "1947. XXXII. The Coal Mines Labour Welfare Fund Act, 1947. Ditto".

(xxvi) the entry "1948. LIV. The Electricity (Supply) Act, 1948. Ditto" shall be inserted immediately below the entry "1948. XLVI. The Coal Mines Provident Fund and Bonus Schemes Act, 1948. Ditto".

(c) In Part IV—

(xxvii) the entry "1897. III. The Bengal Rain Gambling Act, 1897. Ditto" shall be inserted immediately below the entry "1876. III. The Bengal Irrigation Act. Ditto".

(d) In Part V—

(xxviii) the entry "1914. IV. The Bihar and Orissa Public Demands Recovery Act, 1914. The whole" shall be inserted immediately above the entry "1915. II. The Bihar and Orissa Excise Act, 1915. The whole".

(xxix) in the entry "1915. II. The Bihar and Orissa Excise Act, 1935. The whole" the word "Ditto" shall be substituted for the words "The whole".

(xxx) the entry "1920. IV. The Bihar and Orissa Mining Settlements Act, 1920. Ditto" shall be inserted immediately below the entry "1917. I. The Bihar and Orissa General Clauses Act, 1917. Ditto".

(e)—

(xxxi) the following heading and entry shall be inserted immediately below the last entry in Part V, namely :—

"Part VI—Acts of the State Legislature of Orissa 1947. XXXIII. The Orissa Land Encroachment Act, 1947. The whole".

(xxxii) the entry "1949. VIII. The Orissa Animal Contagious Diseases Act, 1949, Ditto" shall be inserted immediately below the entry "1947. XXXIII. The Orissa Land Encroachment Act, 1947" The whole".

The Madras Estates Land (Orissa Third Amendment) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 5th January 1951 [Vide Notification No. 348-Legis., of the Law Department, dated the 12th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 13th January 1951.]

Orissa Act VI of 1951.

An Act further to amend the Madras Estates Land Act, 1908 in its application to the State of Orissa.

WHEREAS it is expedient further to amend the Madras Estates Land Act, 1908 (Madras Act I of 1908), in its application to the State of Orissa in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Estates Land (Orissa Third Amendment) Act, 1950.

(2) It shall come into force at once.

2. *Amendment of section 40, Madras Act I of 1908.*—For clause (a) of sub-section (3) of section 40 of the Madras Estates Land Act, 1908 (Madras Act I of 1908) (hereinafter referred to as the said Act), the following clause shall be substituted, namely :—

"(a) the average value of the rent actually accrued due to the landholder during the ten normal years preceding the date of application or if the value of such period cannot be ascertained during any shorter period for which evidence may be available.

Explanation.—The expression "normal years" shall mean years other than those which the State Government may notify to be or to have been famine or abnormal years."

3. *Amendment of section 172, Madras Act I of 1908.*—For section 172 of the said Act the following section shall be substituted, namely :—

"172. *Revision by Board of Revenue.*—The Board of Revenue may direct—

(a) in any case, of its own motion, the revision of any record-of-rights, or any portion of a record-of-rights, at any time within two years from the date of the final publication under sub-section (2) of section 166 or if there has been a settlement of rent under section 168, or section 168-A, within two years from the date of republication under sub-section (3) of section 170 but not so as to affect any order passed by a Civil Court under section 173 ; and

(b) in any other case, on application made within two years from the date of final publication under sub-section (2) of section 166 or, if there has been a settlement of rent under section 168 or section 168-A, within two years from the date of republication under sub-section (3) of section 170, the revision of any record-of-rights or any portion of a record-of-rights whether within the said period of two years or thereafter but not so as to affect any order passed by a Civil Court under section 173 :

Provided that no such direction shall be made until reasonable opportunity has been given to the parties concerned to appear and be heard in the matter".

The Bengal Troops Transport and Travellers' Assistance and Bengal Troops Transport (Orissa Repeal) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 9th January 1951 [Vide Notification No. 347-Legis., of the Law Department, dated the 12th January 1951, published in the *Orissa Gazette*, Extraordinary, dated the 15th January 1951.]

Orissa Act VII of 1951.

An Act to repeal the Bengal Troops Transport and Travellers' Assistance Regulation, 1806 and the Bengal Troops Transport Regulation, 1825 in their application to the State of Orissa

WHEREAS it is expedient to repeal the Bengal Troops Transport and Travellers' Assistance Regulation, 1806 (Bengal Regulation XI of 1806) and the Bengal Troops Transport Regulation, 1825 (Bengal Regulation VI of 1825) in their application to the State of Orissa ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Troops Transport and Travellers' Assistance and Bengal Troops Transport (Orissa Repeal) Act, 1950.

(2) It shall come into force at once.

2. *Repeal of Bengal Regulation XI of 1806 and Bengal Regulation VI of 1825 in their application to the State of Orissa.*—On and from the commencement of this Act, the Bengal Troops Transport and Travellers' Assistance Regulation, 1806 (Bengal Regulation XI of 1806) and the Bengal Troops Transport Regulation, 1825 (Bengal Regulation VI of 1825), shall be repealed in their application to the State of Orissa and shall cease to be in force in that State.

The Orissa Grama Panchayats (Second Amendment) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 9th January 1951 [Vide Notification No. 350-Legis., of the Law Department, dated the 12th January 1951, published in the *Orissa Gazette;* Extraordinary, dated the 15th January 1951.]

Orissa Act VIII of 1951.

An Act further to amend the Orissa Grama Panchayats Act, 1948.

WHEREAS it is expedient further to amend the Orissa Grama Panchayats Act, 1948 (Orissa Act XV of 1948), in the manner hereinafter appearing ;

It is hereby enacted as follows —

1. *Short title and commencement.*—(1) This Act may be called the Orissa Grama Panchayats (Second Amendment) Act, 1950.

(2) It shall come into force at once.

2. *Amendment of section 4, Orissa Act XV of 1948.*—In section 4 of the Orissa Grama Panchayats Act, 1948 (hereinafter referred to as the said Act),—

(a) after clause (i) the following new clause shall be inserted, namely:—

"(j) 'market' includes any place where persons periodically assemble for sale of meat, butter, ghee, fish, fruit, vegetables or livestock ;"

(b) clauses (j) to (s) shall be relettered as clauses (k) to (t) and after clause (t) as so reletterred, the following new clause shall be inserted, namely :—

"(u) 'year' means the financial year".

3. *Amendment of section 16, Orissa Act XV of 1948.*—In sub-section (4) of section 16 of the said Act, after the words "or a Naib Sarpanch" the words "or as a Panch of an Adalti Panchayat" shall be inserted.

4. *Amendment of section 18, Orissa Act XV of 1948.*—In clause (ii) of section 18 of the said Act, for the word, figure and brackets "sub-section (3)" the following word, figure and brackets shall be substituted, namely :—

"sub-section (4)".

5. *Amendment of section 19, Orissa Act XV of 1948.*—In sub-section (3) of section 19 of the said Act, for the word and figures "section 16" the following word and figures shall be substituted, namely :—

"section 18".

6. *Amendment of section 40, Orissa Act XV of 1948.*—In clause (j) of sub-section (1) of section 40 of the said Act, after the words and figures "the Sambalpur Local Self-Government Act, 1939" the following words shall be inserted, namely :—

"or under any other law for the time being in force".

7. *Amendment of section 44, Orissa Act XV of 1948.*—In section 44 of the said Act—

(a) after the proviso to sub-section (1) the following explanation shall be inserted, namely :—

"*Explanation*—For the purpose of this sub-section "owner" means—

(i) in a ryotwari area, the ryot who holds land by patta from Government ;

(ii) in a zemindari or proprietory area the proprietor or land-holder, as the case may be, as defined in this Act." ;

(b) in sub-section (2)—

(i) in clause (d) for the word 'animals' the word 'cattle' shall be substituted ;

(ii) in clause (e) after the words 'any market' the words 'maintained by the Grama Panchayat' shall be inserted ;

(iii) in clause (gg) for the words and figures "the provisions of section 2 of the Professions Tax Limitation Act, 1941" the following words shall be substituted, namely :—

"a maximum of fifty-rupees per annum" ;

(iv) in clause (h) the words 'and slaughter houses' shall be omitted and the word 'and' shall be inserted before the word "rest-sheds" ;

(v) in clause (l) the word 'and' shall be omitted and after the said clause the following clause shall be inserted, namely :—

"(m) a fee on private markets, cart-stands and slaughter-houses within the local area ; and" ;

(vi) the existing clause (m) shall be relettered as clause (n) ; and

(c) for sub-section (3) the following shall be substituted, namely :—

"(3) No tax, toll, fee or rate provided under sub-sections (1) and (2) shall be imposed by a District Board in any local area of a Grama Panchayat."

8. *Insertion of a new section 117-A., in Orissa Act XV of 1948.*—After section 117 the following new section shall be inserted, namely :—

"117-A. *Delegation of Powers.*—The State Government may by notification direct that any of their powers or functions under this Act except the power to make rules shall be exercised or discharged by any officer or authority subordinate to the State Government."

The Bihar and Orissa Places of Pilgrimage (Orissa Amendment) Act, 1950

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 12th January 1951 [Vide Notification No. 481-Legis., of the Legislative Department, dated the 17th January 1951, published in the *Orissa Gazette*, Part X, dated the 19th January 1951.]

Orissa Act IX of 1951

An Act to amend the Bihar and Orissa Places of Pilgrimage Act, 1920, in its application to the State of Orissa.

WHEREAS it is expedient to amend the Bihar and Orissa Places of Pilgrimage Act, 1920 (B. and O. Act II of 1920), in its application to the State of Orissa, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bihar and Orissa Places of Pilgrimage (Orissa Amendment) Act, 1950.

(2) It shall come into force at once.

2. *Amendment of section 13, Bihar and Orissa Act II of 1920.*—In section 13 of the Bihar and Orissa Places of Pilgrimage Act, 1920 (Bihar and Orissa Act II of 1920), after clause (d) the following new clause shall be inserted, namely :—

"(e) passengers carried by road by a public service vehicle as defined in the Motor Vehicles Act, 1939 (IV of 1939), and brought to or taken from any place."

The Orissa Government Lands Bar to Acquisition of the Right of Occupancy Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 14th January 1951 [Vide Notification No. 483-Legis , of the Legislative Department, dated the 17th January 1951, published in the *Orissa Gazette*, Part X, dated the 19th January 1951.]

Orissa Act X of 1951.

An Act to bar the Acquisition of the Right of Occupancy in certain Government Lands in the State of Orissa.

WHEREAS it is expedient to bar the acquisition of the right of occupancy in certain Government lands in the State of Orissa ;

It it hereby enacted as follows :

1. *Short title, extent and commencement.*—(1) This Act may be called the Orissa Government Lands Bar to Acquisition of the Right of Occupancy Act, 1950.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force at once.

2. *Bar to acquisition of the right of occupancy in certain Government lands.*—Notwithstanding anything contained in any tenancy laws for the time being in force in the State of Orissa, a right of occupancy shall not accrue in any land reclaimed at the cost of the State or acquired under the Land Acquisition Act, 1894 (I of 1894), or under any other law relating to acquisition of land, in force, in the said State unless the said right is specifically conferred.

The Orissa House Rent Control Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business the following Act of the Orissa Legislative Assembly has been assented to by the President on the 31st January 1951 [Vide Notification No. 1003-II B.-50/50-Legis., of the Legislative Department, dated the 7th February 1951, published in the Orissa Gazette, Extraordinary, dated the 9th February 1951]

Orissa Act XI of 1951

An Act to provide for the control of House Rent in the State of Orissa.

WHEREAS it is expedient to control the rent of houses and to prevent unreasonable eviction of tenants therefrom in the State of Orissa;

It is hereby enacted as follows :—

1. *Short title, extent, commencement and duration.* - (1) This Act may be called the Orissa House Rent Control Act, 1950.

(2) It extends to the whole of the State of Orissa.

(3) It shall be deemed to have come into force on the 21st day of March, 1950.

(4) It shall cease to have effect on the 1st day of January, 1953 except as respects things done or omitted to be done before the expiration thereof and section 5 of the Orissa General Clauses Act, 1937 (Orissa Act I of 1937), shall apply upon the expiry of this Act as if it had then been repealed by an Orissa Act.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(1) " Controller " means an officer appointed as such by the State Government for any area to which this Act applies;

(2) " house " means any accommodation or class of accommodation fit for human occupation, whether as a residence or otherwise (whether furnished or unfurnished), and whether with or without board and includes any shop, workshop or warehouse, and also—

(a) the garden, grounds and out houses (if any) appurtenant to such building or part of a building and let or to be let along with such building, and

(b) any furniture supplied by the landlord for the use in such building or part of a building;

(3) " landlord " includes any person who is receiving or is entitled to receive the rent of a house whether on his own account or on behalf of another or on behalf of himself and others as an agent or trustee, executor, administrator, receiver or guardian, or who would so receive the rent or be entitled to receive the rent if the house were let to a tenant;

(4) " tenant " means any person by whom or on whose behalf rent is payable for any house and includes every person who from time to time derives title under a tenant or a person continuing in possession after the termination of his tenancy otherwise than under the provisions of this Act.

3. *Salami or premium not to be charged.*—After the date of the commencement of this Act a landlord shall not be entitled to charge Salami or premium for letting any house or for renewing the lease of any house.

4. *Computation of house rent.*—(1)Subject to the provisions of this Act and notwithstanding any contract to the contrary no landlord shall be entitled to charge rent for any house at a sum higher than what is justified on the basis of rental shown in the registers maintained by any Local authority.

(2) In case of any difficulty regarding the fixation of rent with refer-

ence to the register maintained by any local authority or in the absence of such register an application shall be made to the Controller who shall fix a fair rent in the manner hereinafter provided. Pending final decision by himself the Controller may fix a provisional rent which shall be binding on all parties concerned. Final decision when made shall be deemed to have taken effect from the date of application or the creation of tenancy whichever is earlier and all amounts paid as provisional rent shall be adjusted towards payment of final rent.

5. *Continuation of existing tenancies from month to month and bar against increase of rent.*—Subject to the provisions of this Act and notwithstanding anything to the contrary contained in an agreement or law, where a tenant on a tenancy from month to month is, on the date of the commencement of this Act or on any other date subsequent thereto, in possession of any house –

(a) he shall not be liable to be ejected, whether in execution of a decree or otherwise, except for non-payment of rent or breach of the conditions of the tenancy, and

(b) the landlord shall not be entitled to increase the rent which was, on the date of the commencement of this Act or on any other date subsequent thereto, payable for such house;

Provided that the Controller may, on the application of the landlord and after making such enquiries as he thinks fit, increase such rent, in the same circumstances, to the same extent and with the same effect as the fair rent of a house may be increased under section 9 :

Provided further that a landlord may apply to the Controller for exemption from the provisions of clause (a) in respect of any house and if the Controller is satisfied –

(i) that the house is reasonably and in good faith required by the landlord for the occupation of himself or any member of his family joint in mess with him, or for the occupation of any person or persons for whose benefit the house is held by him, or

(ii) that the landlord has any other good and sufficient reason for ejecting the tenant, the Controller shall pass an order exempting the landlord from the provisions of the said clause in respect of the house :

Provided further that where in consequence of an order under the last preceding proviso a tenant has been ejected he will be entitled to be restored to possession on the same grounds, by the same procedure and subject to the same limitations as laid down in sub-section (3) of section 10 in the case of other tenancies.

6. *Determination of fair rent.*—The Controller may, on the application of the landlord or of a tenant or prospective tenant or on his own motion, and after making such enquiries as he thinks fit, determine the fair rent of any house :

Provided that in the case of a house referred to in section 5 the rent shall not be determined at a figure in excess of the rent which was payable on the date of commencement of this Act save as provided in the first proviso to the said section.

7. *Factors to be taken into consideration for determining fair rent.*—In determining the fair rent under section 6 read with section 5 the Controller shall have regard—

(a) in areas other than the areas belonging to any local authority or in such areas belonging to any local authority where assessment is not based on the rental value of the houses, to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstan-

ces during the year 1942;

(b) in areas other than those specified in clause (a), to the rental value as entered in the assessment book or assessment list relating to the said year of the local authority; and

(c) in the case of a house which has been constructed after the year 1942, to any general increase in the cost of house-sites and building construction.

8. *Bar of claims in excess of the determined rent and refund of excess payment.*—When the Controller has determined the fair rent of a house—

(a) the landlord shall not claim and shall not be entitled to any rent in excess of the rent so determined ;

(b) any agreement for the payment of rent in excess of the rent so determined, shall be null and void in respect of such excess and be construed as if it were an agreement for payment of such determined rent ;

(c) any sum in excess of the determined rent paid whether before or after the date of commencement of this Act in respect of a house for any period after the date of the commencement of this Act shall be refunded to the person by whom it was paid, or at the option of such person otherwise adjusted.

9. *Re-determination of fair rent in certain cases.*—(1) If at any time after the fair rent of a house has been determined under section 6, it appears to the Controller that subsequent to such determination some addition, improvement or alteration not included in necessary repairs or repairs usually made to houses in that locality, has been made to the houses at the landlord's expense, the Controller may, after making such enquiries as he thinks fit, re-determine the fair rent of the house.

(2) When the fair rent of a house is re-determined as provided in subsection (1), the excess rent payable for the house shall not exceed annually seven and a half per cent on the cost of such addition, improvement or alteration and shall not be chargeable until such addition, improvement or alteration has been completed.

(3) If at any time after determination of the fair rent the Controller is satisfied that there is a general rise in the value of houses and house-sites in any municipality or in an area belonging to any other Local authority and that such municipality or other Local Authority has imposed a higher rate of holding tax on the annual value of the holdings in the locality, he may, re-determine the fair rent in such cases as he may think fit, commensurate with the enhancement in the holding-tax.

10. *Continuation of tenancies other than tenancies from month to month.*—(1) If a tenant in possession of any house held on a tenancy other than a tenancy from month to month wishes to extend the period of tenancy by not less than six and not more than twelve months, he may give the landlord, not less than one month before the expiry of the tenancy a written notice of his intention, and upon the delivery of such notice the tenancy shall, save as hereinafter provided, be deemed to have been extended for the period specified in the notice.

(2) Where the landlord to whom a notice has been given under subsection (1) wishes to object to the extension demanded by the tenant, he may within fifteen days of the delivery to him of such notice, apply to the Controller in that behalf, and if the Controller is satisfied—

(a) that the house is reasonably and in good faith required by the landlord for the occupation of himself or any member of his family living joint in mess with him or for the occupation of any person or persons for whose benefit the house is held by him, or

(b) that the tenant has not been performing any of the conditions of the tenancy not inconsistent with provisions of this Act, or

(c) that the landlord has any other good and sufficient reason for determining the tenancy on the expiry of the originally agreed period, the Controller shall pass an order disallowing the extension demanded by the tenant.

(3) When an order under sub-section (2) has been made by the Controller on the ground that the house is required by the landlord for the occupation of himself or any member of his family living joint in mess with him or for the occupation of any person or persons for whose benefit the house is held by him and the house is not occupied by the aforesaid person or persons within fifteen days of the date of vacation of the house by the original tenant, or having been so occupied is re-let within two months of the said date to any person other than the original tenant, the Controller may, on the application of the original tenant, made within three months of his vacating the house, cancel the previous order made under sub-section (2) and direct the landlord to put the original tenant in possession of the house and pay him such compensation as may be fixed by the Controller.

11. *Enquiries.*—For the purposes of an enquiry under this Act the Controller may—

(a) require the landlord to produce any book of account, document or other information relating to the house;

(b) enter and inspect the house; and

(c) authorise any officer subordinate to him to enter and inspect the house.

12. *Appeal.*—(1) Any person aggrieved by an order of the Controller may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the District Magistrate, or the Additional District Magistrate or any other officer specially appointed by the State Government for the purpose.

(2) The District Magistrate or the Additional District Magistrate or any other officer specially appointed by the State Government for the purpose, shall then send for the record of the case from the Controller and, after perusing such record and after making such further enquiries, as he thinks fit, shall decide the appeal

(3) The decision of the District Magistrate, the Additional District Magistrate or any other officer specially appointed by the State Government for the purpose and subject only to such decision an order of the Controller shall be final and shall not be called into question in any Court.

13. *Suit or proceeding for eviction not to be instituted without the order of exemption by the Controller in certain cases.*—No suit or proceeding by a landlord against a tenant in possession of a house for eviction of such tenant therefrom in which the ground specified in the second proviso to clause (b) of section 5 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has produced a certified copy of the order of exemption passed by the Controller under the second proviso to clause (b) of section 5 to institute such suit or proceeding:

Provided that where the tenant denies the title of the landlord or claims the right of permanent tenancy, the Controller shall record a finding to that effect and the landlord shall be entitled to sue for eviction of the tenant in a Civil Court and the Court may pass a decree for eviction on any of the grounds mentioned in this section or section 5 notwithstanding that the Court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.

14. *Penalty.*—If any person contravenes any provision of this Act or of any rules or order made thereunder, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

15. *Attempts to contravene the Act.*—Any person who attempts to contravene or abates a contravention of any provision of this Act, or of any rule or order made thereunder shall be deemed to have contravened the provision of the Act or rule or order.

16. *False statements* If any person when required by or under this Act to make any statement or to furnish any information makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

17. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of the rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any provision of this Act or of any rule or order made thereunder.

18. *Exemptions.*—Notwithstanding anything contained in this Act, the State Government may, by notification in the Gazette, exempt any house or class of houses from all or any of the provisions of this Act.

19. *Power to make rules.*—(1) The State Government may make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed by Controllers and appellate authorities in the performance of their functions under this Act ;

(b) the manner in which notices and orders under this Act shall be given or served.

20. *Repeal and savings.*—(1) The Orissa House Rent Control Act, 1947 (Orissa Act V of 1947), is hereby repealed.

(2) Any order made and anything done under the said Act and in force immediately before the commencement of this Act, shall continue in force and be deemed to be made or done under the corresponding provisions of this Act

21. *Effect of expiry of this Act.*—The expiration of this Act shall not—

(a) render recoverable any sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance of this Act was recoverable by him thereunder,

(b) affect any liability incurred under this Act or any punishment incurred in respect of any contravention of this Act or any rule or order made thereunder,

(c) affect any investigation or legal proceeding in respect of any such liability or punishment as aforesaid, and any such investigation or legal proceeding may be instituted, continued or enforced and any such punishment may be imposed as if this Act had not expired.

The Orissa Essential Articles Control and Requisitioning (Temporary Powers) Act, 1950.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the President on the 5th February 1951 [Vide Notification No. 1151-II-B 49 of 1950-Legis., of the Legislative Department, dated the 14th February 1951, published in the *Orissa Gazette*, Part X, dated the 16th February 1951.]

Orissa Act XII of 1951

An Act to provide for the continuance during a limited period of powers to control the production, processing, supply, distribution, transport and prices of essential articles and trade and commerce therein and Requisitioning of property.

WHEREAS it is expedient to provide for the continuance during a limited period, of powers to control the production, processing, supply, distribution, transport and prices of essential articles and of trade and commerce therein and for requisitioning of property ;

It is hereby enacted as follows :—

1. *Short title, extent, commencement and duration.*—(1) This Act may be called the Orissa Essential Articles Control and Requisitioning (Temporary Powers) Act, 1950.

(2) It extends to the whole of the State of Orissa.

(3) It shall be deemed to have come into force on the 12th day of March, 1949.

(4) It shall cease to have effect on the 1st day of January 1953 except as respects things done or omitted to be done before the expiration thereof and section 5 of the Orissa General Clauses Act, 1937 (Orissa Act I of 1937), shall apply upon the expiry of this Act as if it had then been repealed by an Orissa Act.

2. *Definitions*—In this Act, unless there is anything repugnant in the subject or context—

(a) "essential article" means any of the articles which is specified in the schedule to this Act and any other article which may be declared by the State Government by notified order to be an essential article ;

(b) "notified order" means an order notified in the Gazette ;

(c) "undertaking" means any undertaking by way of any trade or business and includes the occupation of handling, loading or unloading goods in the course of transport.

3. *Powers to control production processing, supply, distribution, transport and prices of essential articles.*—(1) The State Government, so far as it appears to them to be necessary or expedient for maintaining, increasing or securing supplies of essential articles or for arranging for their equitable distribution and availability at fair prices or for directing, maintaining or increasing the production of any essential article, may, by notified order, provide for regulating or prohibiting the production, supply, distribution and transport of essential articles and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), and order made thereunder may provide—

(a) for regulating by licences, permits or otherwise the production or manufacture of any essential articles ;

(b) for controlling the prices at which any essential article may be bought or sold ;

(c) for prohibiting or regulating by licences, permits or otherwise the storage, distribution, transport, disposal, acquisition, use or consumption of any essential article ;

(d) for prohibiting the withholding from sale of any essential article ordinarily kept for sale ;

(e) for requiring any person holding stocks of an essential article to sell them at fair prices to specified persons or class of persons or in specified circumstances ;

(f) for regulating or prohibiting any class of commercial or financial transactions relating to any essential article, which in the opinion of the State Government are, or if unregulated, are likely to be detrimental to the public interest ;

(g) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters ;

(h) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential article to declare their stocks of essential articles, to maintain and allow inspection of or produce for inspection any books, accounts and records relating to their business and to furnish any other information relating thereto ;

(i) for regulating the processing of any essential article ;

(j) for exercising over the whole or any part of an existing undertaking, such functions of control and subject to such conditions, as may be specified in the order ;

(k) for any incidental and supplementary matters including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of any article in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

4. *Power of requisitioning and acquisition.*—(1) If in the opinion of the State Government it is necessary or expedient so to do for maintaining, increasing or securing supplies of any essential article or for arranging for its equitable distribution and availability at fair prices or for directing, maintaining or increasing the production of any essential article, the State Government may, by order in writing, requisition any property, movable or immovable, and may make such further orders as appear to them to be necessary or expedient in connection with such requisitioning :

Provided that no property used for the purpose of religious worship shall be requisitioned under this section :

Provided further that buildings solely used for residential purposes shall not ordinarily be requisitioned.

(2) Where the State Government have requisitioned any property under sub-section (1), they may use or deal with the property in such manner as may appear to them to be expedient and may acquire it by serving on the owner thereof, or where the owner is not readily traceable or the ownership is in dispute, by publishing in the Gazette; a notice stating that the State Government have decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the property or is published in the Gazette under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest absolutely in the State Government free from all encumbrances and the period of requisition thereof shall end.

5. *Payment of compensation.*—(1) Whenever in pursuance of section 4 any movable property is requisitioned or acquired, the compensation payable therefor and the person or persons to whom it should be paid shall be determined in accordance with the rules to be made in this behalf by the State Government.

(2) Whenever in pursuance of section 4 any immovable property is requisitioned or acquired, there shall be paid compensation determined in the manner and in accordance with the principles hereinafter set out, that is to say—.

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;

(b) where no such agreement can be reached, the State Government shall appoint, as arbitrator, the District Judge or Subordinate Judge having jurisdiction over the area in which the immovable property is situated;

(c) at the commencement of the proceedings before the arbitrator, the State Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation ;

(d) the arbitrator in making his award shall have regard to

(i) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (I of 1894), so far as the same can be made applicable, and

(ii) whether the acquisition is of a permanent or temporary character :

Provided that where any property requisitioned is subsequently acquired, the arbitrator, in any proceedings in connection with such acquisition, shall for the purposes of the provisions of the said section 23, take into consideration the market value of the property at the date of requisition as aforesaid and not at the date of its subsequent acquisition ;

(e) an appeal shall lie to the High Court against the award of an arbitrator where the amount of the award is two thousand rupees and above ;

Explanation.—In the case of periodical payments, the amount of the award for the purposes of this clause shall be computed at five times the amount payable for one year.

(f) save as provided in this section and in any rules made under this Act, nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

(3) The State Government may, with a view to requisitioning or acquiring any property under section 4, by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified ;

(b) direct that the owner, occupier or person in possession of the property shall not, without the permission of the State Government, dispose of it or where the property is a building, structurally alter it or where the property is movable, remove it from the premises in which it is kept, until the expiry of such period as may be specified in the order.

6. *Release from requisition.*—(1) Where any property requisitioned under this Act, is to be released from such requisition, the State Government or any person generally or specially authorised by them in this behalf may, after such enquiry, if any, as they or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order under sub-section (1) shall be a full discharge of the State Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property, which any other person may be entitled by a due process of law to enforce against the person to whom possession of the property is given.

7. *Delegation of powers.*— (1) The State Government may, by notified order, authorise any officer or authority subordinate to the State Government, to exercise anyone or more of the powers vested in them by or under this Act, except the power mentioned in section 17, in relation to such matters and subject to such restrictions and conditions, if any, as may be specified in the order.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the State Government or by such persons as may be empowered by them in that behalf. The State Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

8. *Effect of orders inconsistent with other enactments.*—Any order made under section 3 or section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

9. *Mode of publication.*—(1) Every authority or officer who makes any order in writing in pursuance of any of the provisions of this Act shall, in the case of an order of a general nature affecting a class of persons, publish such order by a notification in such manner as may, in the opinion of such authority or officer, be best suited for informing the persons whom the order concerns. Where the order is not of a general nature, the authority or officer may serve the order or cause it to be served on the person concerned—

(a) personally by delivering or tendering him the order ; or

(b) by sending him an authenticated copy of the order by post ; or

(c) where the person cannot be found, by leaving an authenticated copy of the order with some adult male member of his family or by affixing it to any part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

(2) Where any provision of this Act empowers an authority or officer to take action by notified order, the provisions of sub-section (1) shall not apply in relation to such order.

10. *Penalties.*—(1) If any person contravenes any order made under section 3 or section 4, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both ; and, if the order so provides, any court trying such contravention may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to the State Government :

Provided that where the contravention is of an order relating to an essential article which contains an express provision in this behalf, the court shall make such direction, unless for reasons to be recorded in writing, it is of opinion that the direction should not be made in respect of the whole or, as the case may be, a part of the property.

(2) Where any essential article is seized under the authority of an order made under this Act and such order provides for the forfeiture of the article in respect of which the order has been contravened, such for-

feiture may, whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Collector of the district in which the seizure was made, and any forfeiture so adjudged shall, subject only to an appeal which shall lie to the State Government, be final :

Provided that an adjudication of forfeiture under this sub-section shall be no bar to the prosecution or punishment of any person under sub-section (1).

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (V of 1898), it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under this Act.

(4) If any person to whom any provision of any order made under this Act relates or to whom any such provision is addressed or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates—

(a) fails, without lawful authority or excuse, himself or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control to comply, or to secure compliance, with such provision ; or

(b) evades, or attempts to evade, by any means, such provision, he shall be deemed to have contravened such provision ; and in this Act, the expression "contravention" with its grammatical variations includes any such failure, evasion or attempt to evade.

11. *Abetment and assistance of contraventions.*—Any person who attempts to contravene or abets or attempts to abet or does any act preparatory to a contravention of an order made under the provisions of this Act shall be deemed to have contravened the order ; and any person who knowing or having reasonable cause to believe that any other person is contravening any order made under any of the provisions of this Act, gives that other person any assistance with intent thereby to prevent; hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall also be deemed to have contravened the order.

12. *Offences by corporations.*—If the person who contravenes or is deemed to contravene an order made under section 3 or section 4 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

13. *Cognizance of offences.*—No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a Public servant as defined in section 21 of the Indian Penal Code, 1860 (XLV of 1860).

14. *Burden of proof.* Where any person is prosecuted for contravening any order made under this Act which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.

15. *Saving as to orders* — (1) No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary, so

as to restrain the State Government or any authority or officer empowered by or under this Act from executing or carrying out any order passed by them or by him under this Act, or in any way interfere with or affect such order.

Nothing contained in this section shall be deemed to prevent the Court from granting in the suit any relief by way of compensation to which the party may be entitled.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872 (I of 1872), presume that such order was so made by that authority.

16. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3 or section 4

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3 or secton 4.

17. *Power to make rules.*—(1) The State Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed in arbitrations under this Act ;

(b) the principles to be followed in apportioning costs of proceedings before the arbitrator and on appeal ; and

(c) the principles to be followed in paying compensation for requisition or acquisition of movable property.

18. *Repeal and savings.*—(1) The Orissa Essential Articles Control and Requisitioning (Temporary Powers) Act, 1947 (Orissa Act I of 1947), is hereby repealed.

(2) Any order made under the said Act and in force immediately before the commencement of this Act shall continue in force and be deemed to be an order made under this Act ; and all appointments made, licences or permits granted, and directions issued under any such order or the the said Act, as the case may be, and in force immediately before such commencement shall likewise continue in force and be deemed to be made, granted, or issued in pursuance of this Act.

THE SCHEDULE.

[*See* Section 2 (*a*)]

(i) Livestock (including poultry) ;
(ii) Fish ;
(iii) Oil-cakes and manures ;
(iv) Cattle-feed (including bran) ;
(v) Fuel (including firewood) ;
(vi) Hides and skins ;
(vii) Leather ;
(viii) Cement ;
(ix) Drugs ; and
(x) Kendu leaves.

The Requisitioned Land (Continuance of Powers) Orissa Amendment Act, 1951.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the Governor on the 23rd March 1951 [Vide Notification No. 2107-12 of 51-Legis., of the Law Department, dated the 27th March 1951, published in the *Orissa Gazette*, Part X, dated the 30th March 1951.]

Orissa Act XIV of 1951

An Act to amend the Requisitioned Land (Continuance of Powers) Act, 1947, in its application to the State of Orissa.

WHEREAS it is expedient to amend the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), in its application to the State of Orissa in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Requisitioned Land (Continuance of Powers) Orissa Amendment Act, 1951.

(2) It shall come into force at once.

2. *Amendment of section 1, XVII of 1947.*—For sub-section (3) of section 1 of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), the following sub-section shall be substituted, namely :—

"(3) It shall, as respects of the requisitioned lands which, at the commencement of the Requisitioned Land (Continuance of Powers) Orissa Amendment Act, 1951, are subject to requisition by or under the authority of the State Government for the purposes of the State Government, cease to have effect on the 1st day of April 1953, except as respects things done or omitted to be done before the expiration thereof and section 5 of the Orissa General Clauses Act, 1937 (Orissa Act I of 1937), shall apply upon the expiry of this Act as if it had then been repealed by an Orissa Act."

The Orissa Tenants Protection (Amendment) Act, 1951.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the President on the 14th April 1951 [Vide Notification No. 2998-Legis., of the Law Department, dated the 14th April 1951, published in the *Orissa Gazette*, Extraordinary, dated the 14th April 1951.]

Orissa Act XVII of 1951

An Act to further amend the Orissa Tenants Protection Act, 1948

WHEREAS it is expedient further to amend the Orissa Tenants Protection Act, 1948 (Orissa Act III of 1948), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Tenants Protection (Amendment) Act, 1951.

(2) It shall come into force at once.

2. *Amendment of section 1, Orissa Act III of 1948.*—In section 1 of the Orissa Tenants Protection Act, 1948 (hereinafter referred to as the said Act)—

(i) in sub-section (4) for the words, letters and figures "15th day of April 1951" the words, letters and figures "15th day of April 1952" shall be substituted :

(ii) after sub-section (4) the following new sub-section shall be inserted, namely :—

"(5) (1) For the purpose of the merged States areas to which this Act has been extended by the Orissa Merged States' (Laws) Act, 1950 (Orissa Act IV of 1950)—

(i) for the words, letters and figures "1st day of September 1947" wherever they occur the words, letters and figures "1st day of August 1949" shall be substituted;

(ii) for the words, letters and figures "30th November 1947" as they occur in item (3) of clause (g) of section 2, the words, letters and figures "1st day of August 1949" shall be substituted.

(2) In such areas where neither the Madras Estates Land Act, 1908 (Madras Act I of 1908) nor the Orissa Tenancy Act, 1913 (B. and O. Act III of 1913), is in force the special laws or customs prevailing therein shall be taken into consideration for the application of this Act."

3. *Amendment of section 3, Orissa Act III of 1948.*—After sub-section (2) of section 3 of the said Act the following illustration shall be added, namely :—

"Illustration.—'A' holds land under 'B', a ryot, who has less than 33 acres of land on the 30th November 1946. 'B' can evict 'A'."

4. *Amendment of section 7, Orissa Act III of 1948.*—In section 7 of the said Act—

(i) after clause (e) of sub-section (1) the word "or" and the following new clause shall be added, namely :—

"(f) liability of the tenant to eviction on the ground that he is holding land under a raiyat the total extent of land under whose possession on the 30th November 1947, did not exceed 33 acres";

(ii) after sub-section (8) the following new sub-section shall be inserted, namely :—

"(9) The Collector may, if he deems necessary, appoint a Receiver to take charge of the crops or for getting the lands cultivated or for such other purposes as he may deem necessary till the disposal of the application."

5. *Amendment of section 11, Orissa Act III of 1948.*—For section 11 of the said Act the following section shall be substituted, namely :—

"11. Any person aggrieved by an order of the Collector made under this Act may, within thirty days from the date of such order, appeal to the prescribed superior Revenue Authority whose decision thereon shall be final subject to revision by the Board of Revenue. The decision so arrived at shall not be called in question in any Court."

The Orissa Maintenance of Public Order (Amendment) Act 1951.

In pursuance of rule 99 of the Orissa Legislative Assembly Rules of Procedure and Conduct of Business, the following Act of the Orissa Legislative Assembly has been assented to by the President on the 25th May 1951 [Vide Notification No. 4324-Legis., of the Law Department, dated the 29th May 1951, published in the *Orissa Gazette*, Extraordinary, dated the 30th May 1951.]

Orissa Act XXI of 1951

An Act further to amend the Orissa Maintenance of Public Order Act, 1950.

WHEREAS it is expedient further to amend the Orissa Maintenance of Public Order Act, 1950 (Orissa Act X of 1950), in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Maintenance of Public Order (Amendment) Act, 1951.

(2) This Act shall have retrospective effect and the insertions and additions mentioned herein shall be deemed to have been made on and to have effect from the 31st day of March 1951 :

Provided that a person shall not be liable to any penalty in respect of anything done or omitted to have been done by him before the passing of this Act, which was not unlawful between the 31st day of March 1951 and the date of the passing of this Act.

2. *Amendment of the preamble, Orissa Act X of 1950.*—In the title and the preamble to the Orissa Maintenance of Public Order Act, 1950 (Orissa Act X of 1950) (hereinafter referred to as the said Act), after the word "tendency to overthrow the State" the words "the protection of the interests of the Scheduled Tribes in Orissa", shall be inserted.

3. *Amendment of section 1, Orissa Act X of 1950.*—For sub-section (4) of section 1 of the said Act, the following sub-section shall be substituted, namely :—

"(4) It shall cease to have effect after the first day of April 1952 and section 5 of the Orissa General Clauses Act, 1937 (Orissa Act I of 1937), shall apply upon the expiry of this Act as if it had been then repealed by an Orissa Act.'

4. *Amendment of section 2, Orissa Act X of 1950.*—For sub-sections (1), (2) and (3) of section 2, of the said Act, the following sub-sections shall be substituted, namely :—

"(1) *Powers to make order restricting the movements or actions of certain persons.*—If the State Government or a District Magistrate is satisfied with respect to any person that he is acting, or is likely to act, in a manner prejudicial to the security of the State or to the maintenance of public order or to the interest of the general public or the protection of the interest of the Scheduled Tribes in Orissa, and that, in order to prevent him from so acting it is necessary to make an order under this section (hereinafter referred to as a "restriction order"), the State Government or the District Magistrate, as the case may be, may make an order—

(a) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or persons as may be specified therein, he shall not be in any such area or place in the State of Orissa as may be specified in the order ;

(b) requiring him to reside or remain in such place or within such area in the State of Orissa as may be specified in the order and if he is not already there to proceed to that place or area within such time as may be specified in the order ;

(c) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times and to such authority or person as may be specified in the order ;

(d) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions ;

(e) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order :

Provided that no restriction order of the nature mentioned in clause (d) shall be made unless the State Government or the District Magistrate, as the case may be, is satisfied that the person is acting or is likely to

act, in a manner prejudicial to the security of the State.

(2) No restriction order by the State Government shall be made directing the exclusion or removal from the State of any person ordinarily resident in the State : and no such order made by the District Magistrate shall direct exclusion or removal from the district of any person already resident in that district.

(3) When any order is made under sub-section (1) by the District Magistrate or an officer or authority empowered under section 29, the District Magistrate or that officer or authority, as the case may be, shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such other particulars as in the opinion of the District Magistrate or such officer or authority, have a bearing on the necessity for or expediency of the order."

5. *Insertion of new sections in Orissa Act X of 1950.* After section 2 of the said Act, the following new sections shall be inserted, namely :—

"3. *Grounds of order of restriction to be disclosed to persons affected by the order.*—(1) When in exercise of the powers conferred by sub-section (1) of section 2 any order is made against a person the authority making the order shall, as soon as may be, communicate to him at his last known address the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose."

"4. *Constitution of Advisory Boards.*—(1) The State Government whenever necessary, constitute an Advisory Board for the purpose of this Act.

(2) Such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the State Government."

"5. *Reference to Advisory Boards.*—In every case where any order has been made under sub-section (1) of section 2, the State Government shall, within six weeks from the date of the order, place before the Advisory Board constituted by them under section 4 the grounds on which the order has been made and the representation, if any, made by the persons affected by the order, and in case where such order has been made by an authority or officer subordinate to them, also the report made by him under sub-section (3) of section 2."

"6. *Procedure of Advisory Boards.*—(1) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information from the State Government or from the person concerned, as it may deem necessary, submit its report to the State Government within ten weeks from the date of the order made under sub-section (1) of section 2

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for making the order against the person concerned.

(3) When there is difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom the said order has been made to attend in person or to appear by any legal practitioner in any matter connected with the reference to the Advisory Board."

(5) All particulars contained in any correspondence between the State Government and the Advisory Board and the proceedings of the Advisory Board and the report made by it, except that part of the report in which the opinion of the Advisory Board is specified, shall be confidential and notwithstanding anything contained in any law for the time being in force no Courts shall be entitled to require any public servant to produce before it any of the aforesaid documents."

"7. *Confirmation of restriction order.*—(1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for making the said order against the person concerned, the State Government may confirm the order and continue the order against the person concerned for such period as they think fit.

(2) In any case where the Advisory Board has reported that there is in its opinion not sufficient cause for making such an order against the person concerned, the State Government shall revoke the order."

6. *Consequential change in sections 3 to 29, Orissa Act X of 1950.*—In the said Act—

(a) the existing sections 3 to 29 shall be renumbered as sections 8 to 34 ;

(b) in the explanation to section 17, as so renumbered, for the words and figures "sections 10, 11, 12 and 14" the words and figures "sections 15, 16, 17 and 19" shall be respectively substituted ;

(c) in sub-section (4) of section 20, as so renumbered, for the word and figure "section 16" the word and figure "section 21" shall be substituted ;

(d) in section 21, as so renumbered, for the word and figure "section 15" the word and figure "section 20" shall be substituted.

7. *Amendment of section 10, Orissa Act X of 1950.*—For sub-section (1) of section 10 of the said Act, as so renumbered, the following sub-section shall be substituted, namely :—

"(1) *Imposition of collective fines on inhabitants of any area.*—If it appears to the State Government that the inhabitants of any class or section of inhabitants of any area are concerned in or are abetting the commission of offences resulting or likely to result in death or grievous hurt or loss of, or damage to, property, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders, or are suppressing material evidence of the commission of such offences, the State Government may, by notification, impose collective fines on the inhabitants of that area :

Provided that imposition of collective fine by any authority to whom the power may have been delegated under this Act may be made by publication of the order imposing the fine in any such manner as such authority may consider best calculated to bring the order to the notice of the inhabitants of the area concerned."

8. *Amendment of section 33, Orissa Act X of 1950.*—Section 33 of the said Act, as so renumbered, shall be further renumbered as sub-section (1) of the said section and after the said sub-section (1), as so renumbered, the following new sub-section shall be inserted, namely :—

"(2) Notwithstanding anything contained in any other law for the time being in force, the offence punishable under sub-section (6) of section 2 shall be non-bailable."

PART VII
BIHAR ACTS

The Bihar Waqfs (Amendment) Act, 1950.

The following Act of the State Legislature has been assented to by the Governor on the 8th October, 1950 [Vide Notification No. Legis. 147/50 Leg. R.-492, dated the 9th October 1950, published in the *Bihar Gazette*, Extraordinary, dated the 9th October 1950.]

Bihar Act XXXIII of 1950.

An Act to amend the Bihar Waqfs Act, 1947.

WHEREAS doubts have arisen as to the authority which has been empowered to establish a *Majlis* under section 5 of the Bihar Waqfs Act, 1947 (Bihar Act VIII of 1948), and it is expedient to amend the said Act for the removal of the said doubts in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Waqfs (Amendment) Act, 1950.

2 *Amendment of section 5 of Bihar Act VIII of 1948.*—In sub-section (1) of section 5 of the Bihar Waqfs Act, 1947 (Bihar Act VIII of 1948), after the words "shall be established" the words "by the State Government" shall be inserted and shall be deemed always to have been inserted

3. *Repeal of Bihar Ordinance IV of 1950.*—The Bihar Waqfs (Amending) Ordinance, 1950 (Bihar Ordinance IV of 1950), is hereby repealed.

The Bihar Continuance of Certificate Proceedings and Indemnity (State Management of Estates and Tenures) Act, 1950

The following Act of the State Legislature has been assented to by the Governor on the 8th October, 1950 [Vide Notification No Legis. 5-C. O/50 Leg. R.-490, dated the 9th October 1950, published in the *Bihar Gazette*, Extraordinary, dated the 9th October 1950]

Bihar Act XXXII of 1950

An Act to continue the certificate proceedings initiated under section 24 of the Bihar State Management of Estates and Tenures Act, 1949, for the recovery of the arrears of rent due to a proprietor or tenure-holder of an estate or tenure, as the case may be, placed under the management of the State Government under sub-section (1) of section 3 of the said Act and to indemnify the manager of such Estate or Tenure and other servants of the Government in respect of Acts ordered or done or purporting to be ordered or done in good faith under the said Act during the period commencing on the date on which the estate or tenure, as the case may be, was placed under the management of the State Government and ending on the date on which the management of such estate or tenure was relinquished.

WHEREAS it is expedient to provide that the certificate proceedings initiated under section 24 of the Bihar State Management of Estates and Tenures Act, 1949 (Bihar Act XXI of 1949), for the recovery of the arrears of rent due to a proprietor or tenure holder of an estate or tenure, placed under the management of the State Government under sub section (1) of section 3 of the said Act, shall be continued and that the Manager of such estate or tenure and other servants of the Government shall be indemnified in respect of acts ordered or done or purporting to be ordered or done in good faith under the said Act during the period commencing on the date on which the estate or tenure, as the case may be, was placed

under the management of the State Government and ending on the date on which the management of such estate or tenure was relinquished :

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Bihar Continuance of Certificate Proceedings and Indemnity (State Management of Estates and Tenures) Act, 1950.

(2) It extends to the whole of the State of Bihar.

2. *Requisition made by Manager for recovery of arrears of rent to continue* —Any requisition made to a Certificate Officer by the Manager under section 24 of the Bihar State Management of Estates and Tenures Act, 1949 (Bihar Act XXI of 1949) (hereinafter referred to as the said Act), for the recovery of the arrears of rent due to a proprietor or tenure-holder of an estate or tenure, as the case may be, placed under the management of the State Government under sub-section (1) of section 3 of the said Act shall, notwithstanding anything contained in any law for the time being in force, be continued and shall always be deemed to have continued as if the name of the proprietor or tenure holder of the estate or tenure, as the case may be, were substituted for the manager and the requisition as so amended shall be continued and disposed of by the Certificate Officer in the like manner and to the like extent as if the said requisition were originally filed by such proprietor or tenure-holder, and the arrears of rent alleged to be due to such proprietor or tenure-holder were recoverable as a public demand.

3. *Bar of legal proceedings.*—No suit, prosecution or other legal proceeding shall lie in any Court against the Manager or any servant of the Government, appointed under the said Act, for or on account of or in respect of, any act ordered or done or purporting to be ordered or done in the reasonable belief that the act was necessary for the purpose of giving effect to the provisions of the said Act during the period commencing on the date on which the estate or tenure, as the case may be, was placed under the management of the Government and ending on the date on which the management of such estate or tenure was relinquished and any act ordered or done or purporting to be ordered or done for the aforesaid purpose during the period mentioned above shall be deemed to have been ordered or done in good faith and in the reasonable belief that it was necessary therefor unless the contrary is proved.

4. *Repeal and saving.*—The Bihar Continuance of Certificate Proceedings and Indemnity (State Management of Estates and Tenures) Ordinance, 1950 (Bihar Ordinance No. III of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action taken.

The Bihar Land Reforms Act, 1950.

WHEREAS the Bihar Land Reforms Bill, 1949, being a Bill of the Legislature of the State of Bihar, was pending at the commencement of the Constitution of India in the said Legislature :

AND WHEREAS the said Bill having been passed by the said Legislature was reserved for the consideration of the President in pursuance of the provisions in Article 201 and clause (4) of Article 31 of the Constitution of India:

AND WHEREAS the said Bill having been so reserved received the assent of the President on the 11th September, 1950;

NOW, THEREFORE, the said Bill having been so assented to by the President is hereby published as an Act of the State Legislature for general information [Vide Notification No. Leg. R-414, dated the 14th September 1950, published in the *Bihar Gazette* Extraordinary, dated the 25th September 1950.]

Bihar Act XXX of 1950.

An Act to provide for the transference to the State of the interests of proprietors and tenure-holders in land and of the mortgagees and lessees of such interests including interests in trees, forests, fisheries, jalkars, ferries, hats, bazars, mines and minerals and to provide for the constitution of a Land Commission for the State of Bihar with powers to advise the State Government on the agrarian policy to be persued by the State Government consequent upon such transference and for other matters connected therewith.

WHEREAS it is expedient to provide for the transference to the State of the interests of proprietors and tenure-holders in land and of the mortgagees and lessees of such interests including interests in trees, forests, fisheries, *jalkars*, ferries, *hats*, *bazars*, mines and minerals, and to provide for the constitution of a Land Commission for the State of Bihar with powers to advise the State Government on the agrarian policy to be persued by the State Government consequent upon such transference and for other matters connected therewith;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement*—(1) This Act may be called the Bihar Land Reforms Act, 1950.

(2) It extends to the whole of the the State of Bihar.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. *Definitions*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "agricultural year" means, where the Bengali year prevails, the year commencing on the first day of *Baisakh*, where the *Fasli* or *Amli* year prevails, the year commencing on the first day of *Asin* and where any other year prevails for agricultural purposes, that year;

(b) "Board" means the Board constituted under section 18;

(c) "charitable purpose" includes relief of the poor, education, medical relief and the advancement of any other object of general public utility;

(d) "Claims Officer" means the Claims Officer appointed under sub-section (1) of section 14;

(e) "Collector" includes any officer not below the rank of a Deputy Collector appointed by the State Government to discharge all or any of the functions of a Collector under this Act;

(f) "Commission" means the Bihar Land Commission constituted under section 34;

(g) "Compensation Officer" means the Compensation Officer appointed under section 19;

(h) "date of vesting" means, in relation to an estate or tenure vested in the State the date of publication in the Official Gazette of the notification under sub-section (1) of section 3 in respect of such estate or tenure;

(i) "estate" means any land included under one entry in any of the

general registers of revenue-paying lands and revenue-free lands, prepared and maintained under the law for the time being in force by the Collector of a district, and includes revenue-free lands not entered in any register and a share in or of an estate ;

(j) "homestead" means a dwelling house used by the proprietor or tenure-holder for the purposes of his own residence or for the purpose of letting out on rent together with any courtyard, compound, attached garden, orchard and out-buildings and includes any out-buildings used for purposes connected with agriculture or horticulture and any tank, library and place of worship appertaining to such dwelling house ;

(k) "*khas* possession" used with reference to the possession of a proprietor or tenure-holder of any land used for agricultural or horticultural purposes, means the possession of such proprietor or tenure-holder by cultivating such land or carrying on horticultural operations thereon himself with his own stock or by his own servants or by hired labour or with hired stock ;

Explanation.—"Land used for horticultural purposes" means land used for the purpose of growing fruits, flowers or vegetables.

(l) "lease", in relation to mines and minerals, shall include a sub-lease, a prospecting lease and an agreement to lease and sublet, and 'lessee' shall be construed accordingly ;

(m) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, but does not include any works, machinery, tramways or sidings appertaining to a mine and a mine shall be deemed to be 'in operation' if a notice of the commencement of its operation has been given under section 14 of the Indian Mines Act, 1923 (IV of 1923), to the District Magistrate of the district in which such mine is situated and the discontinuance of the operation thereof has not been notified to the competent authority ;

(n) "prescribed" means prescribed by rules made under this Act ;

(o) "proprietor" means a person holding in trust or owning for his own benefit an estate or part of an estate, and includes the heirs and successors-in-interest of a proprietor and, where a proprietor is a minor or of unsound mind or an idiot, his guardian, committee or other legal curator ;

(p) "temporary lease", in relation to an estate or tenure, means a lease from year to year or for a term of years commonly known as '*thica*' but does not include a lease of mines and minerals, comprised in such estate or tenure ;

(q) "tenure" means the interest of a tenure holder or an under-tenure-holder and includes a *ghatwali* tenure and a share in or of a tenure, but does not include a *Mundari Khunt-Kattidari* tenancy within the meaning of the Chota Nagpur Tenancy Act, 1908 (Ben. Act VI of 1908), or a *bhuinhari* tenure prepared and confirmed under the Chota Nagpur Tenures Act, 1869 (Ben. Act II of 1869) ;

(r) "tenure holder" means a person who has acquired from a proprietor or from any other tenure-holder a right to hold land for the purpose of collecting rent or bringing it under cultivation by establishing tenants on it and includes also the successors-in-interest of persons who have acquired such right and a person who holds such right in trust, and, where a tenure-holder is a minor or of unsound mind or an idiot, his guardian, committee or other legal curator ;

(s) "trust" includes any express or constructive trust created or existing for a public purpose of a charitable or religious nature and a Hindu, Muslim, Christian, Buddhist or any other religious or charitable endowment ; and

(t) all words and expressions used in this Act but not defined in this Act and defined in the Bihar Tenancy Act, 1885 (VIII of 1885), or the Chota Nagpur Tenancy Act, 1908 (Ben. Act VI of 1908), shall,—

(i) in their application to the area to which the Chota Nagpur Tenancy Act, 1908 (Ben. Act VI of 1908), applies, have the same meanings as in that Act ;

(ii) in their application to the area to which the Bihar Tenancy Act, 1885 (VIII of 1885), applies, have the same meanings as in that Act ; and

(iii) in their application to any area in the Santal Parganas, have the same meanings as in the Bihar Tenancy Act, 1885 (VIII of 1885).

CHAPTER II

VESTING OF AN ESTATE OR TENURE IN THE STATE AND ITS CONSEQUENCES

3. *Notification vesting an estate or tenure in the State.*—(1) The State Government may, from time to time, by notification, declare that the estates or tenures of a proprietor or tenure-holder specified in the notification, have passed to and become vested in the State.

(2) The notification referred to in sub-section (1) shall be published in the Official Gazette and in at least two issues of two newspapers having circulation in the State of Bihar, and a copy of such notification shall be sent by registered post, with acknowledgment due, to the proprietor of the estate recorded in the general registers of revenue paying or revenue free lands maintained under the Land Registration Act, 1876 (Ben. Act VII of 1876), or in case where the estate is not entered in any such registers and in the case of tenure-holders, to the proprietor of the estate or to the tenure-holder of the tenure if the Collector is in possession of a list of such proprietors or tenure-holders together with their addresses, and such posting shall be deemed to be sufficient service of the notification on such proprietor or, where such notification is sent by post to the tenure-holder, on such tenure-holder for the purposes of this Act.

(3) The publication and posting of such notification, where such notification is sent by post, in the manner provided in sub-section (2) shall be conclusive evidence of the notice of the declaration to such proprietors or tenure-holders whose interests are affected by the notification.

4. *Consequences of the vesting of an estate or tenure in the State.*—Notwithstanding anything contained in any other law for the time being in force or in any contract, on the publication of the notification under sub-section (1) of section 3, the following consequences shall ensue, namely :—

(a) Subject to the subsequent provisions of this Chapter, such estate or tenure including the interests of the proprietor or tenure-holder in any building or part of a building comprised in such estate or tenure and used primarily as office or *cutchery* for the collection of rent of such estate or tenure, and his interests in trees, forests, fisheries, *jalkars, hats, bazars* and ferries and all other *sairati* interests as also his interest in all sub-soil including any rights in mines and minerals, whether discovered or undiscovered, or whether being worked or not, inclusive of such rights of a lessee of mines and minerals, comprised in such estate or tenure (other than the interests of *raiyats* or under-*raiyats*) shall, with effect from the date of vesting, vest absolutely in the State free from all incumbrances and such proprietor or tenure-holder shall cease to have any interests in such

estate or tenure, other than the interests expressly saved by or under the provisions of this Act.

(b) All arrears of rents, including royalties, and all cesses together with interest, if any, due thereon for any period prior to the date of vesting, which were recoverable in respect of the estates or tenures of the proprietor or tenure-holder and the recovery of which was not barred by any law of limitation shall vest in, and be recoverable by, the State and, when such arrears, cesses and interest are due from any tenure-holder in respect of any such tenure shall, without prejudice to any other mode of recovery, be recoverable by the deduction of the amount of such arrears, cesses and interest from the compensation money payable to such tenure-holder under section 32 when so ordered by the Collector, and all rents including cesses and royalties accruing in respect of lands comprised in such estate or tenure on or after the date of vesting shall be payable to the State and not to the outgoing proprietor or tenure-holder, and any payment made in contravention of this clause shall not be valid.

Explanation —For the purpose of this clause, the expression "arrears of rent" shall include arrears in respect of which suits were pending on the date of vesting or in respect of which decrees whether having the effect of rent decree or money decree were obtained before the date of such vesting and have not been satisfied and are not barred by limitation, and shall also include the costs allowed by such decrees.

(c) All arrears of revenue and cesses remaining lawfully due on the date of vesting in respect of any such estate shall after such date continue to be recoverable from the outgoing Proprietor by whom they were payable and shall, without prejudice to any other mode of recovery, be recoverable by the deduction of the amount of such arrears and cesses from the compensation money payable to such proprietor under section 32 when so ordered by the Collector.

(d) No suit shall lie in any Civil Court for the recovery of any money due from such proprietor or tenure-holder the payment of which is secured by a mortgage of or is a charge on such estate or tenure, and all suits and proceedings for the recovery of any such money which may be pending on the date of vesting shall be dropped.

(e) No such estate or tenure shall be liable to attachment or sale under the processes of any Court and any order of attachment passed in respect of such estate or tenure before the date of vesting shall cease to be in force.

(f) The Collector shall take charge of such estate or tenure and of all interests vested in the State under this section ;

Provided that nothing contained in this clause or in any other provision of this Act shall be deemed to authorise the Collector to take charge of any institution, religious or secular, of any trust or any building connected therewith or to interfere with the right of a trustee to apply the trust money to the objects of the trust.

(g) Where, by operation of this Act, the right to the possession of any estate or tenure or any part thereof vests in the State, the Collector may, by written order served in the prescribed manner, require any person in possession of such estate or tenure or any part thereof to give up possession of the same by a date specified in the order, and it shall be competent for the Collector to take, or cause to be taken, such steps and use, or cause to be used, such force as, in the opinion of the Collector, may be

necessary for securing compliance with the said order or preventing any breach of the peace.

(h) The Collector shall have power to make inquiries in respect of the settlement or lease of any land comprised in such estate or tenure or the transfer of any kind of interest in any building used primarily as office or *cutchery* for the collection of rent of such estate or tenure or part thereof, made or created at any time after the first day of January, 1946, and may, with the previous sanction of the State Government and after giving reasonable notice to the parties concerned to appear and be heard, set aside any such settlement, lease or transfer, dispossess the person claiming under it and take possession of such property in the manner provided in clause (g) on such terms as may appear to the Collector to be fair and equitable, if the Collector is satisfied that such settlement, lease or transfer was made or created with the object of defeating any provisions of this Act, or obtaining higher compensation thereunder.

(i) After serving a notice in writing on the proprietor or tenure-holder for the production of such documents, registers and papers as are in his opinion necessary for the management of such estate or tenure, and if such notice is not complied with within forty-eight hours or such further time as the Collector may allow, it shall be lawful for the Collector or any officer, not below the rank of a Sub Deputy Collector, authorised by him in writing in this behalf, to enter upon any land or building with such assistance as he considers necessary and seize and take possession of such documents, registers and papers as are in his opinion necessary for the management of such estate or tenure :

Provided that no action under this clause shall be taken unless a requisition under section 40 has not been complied with within the time fixed in the said requisition.

5. *Homesteads of proprietors and tenure-holders to be retained by them as tenants.*—(1) With effect from the date of vesting, all homesteads comprised in an estate or tenure and being in the possession of a proprietor or tenure holder on the date of such vesting shall, notwithstanding anything contained in this Act, be deemed to be settled by the State with such proprietor or tenure-holder, as the case may be, and such proprietor or tenure-holder shall be entitled to retain possession of the land comprised in such homesteads and to hold it as a tenant under the State free of rent :

Provided that such homesteads as are used by the proprietor or tenure holder for purposes of letting out on rent shall be subject to the payment of such fair and equitable ground-rent as may be determined by the Collector in the prescribed manner.

(2) If the claim of a proprietor or tenure-holder as to his possession over such homesteads or as to the extent of such homesteads is disputed by any person within three months from the date of such vesting, the Collector shall, on application, make such inquiry into the matter as he deems fit and pass such order as may appear to him to be just and proper.

6. *Certain other lands in khas possession of proprietors and tenure-holders to be retained by them on payment of rent as raiyats having occupancy rights.*—(1) On and from the date of vesting, all lands used for agricultural or horticultural purposes, which were in *khas* possession of a proprietor or tenure-holder on the date of such vesting, including—

(a) (i) proprietors' private lands let out under a lease for a term of years or under a lease from year to year, referred to in section 116 of the Bihar Tenancy Act, 1885 (VIII of 1885).

(ii) landlords' privileged lands let out under a registered lease for a term exceeding one year or under a lease, written or oral, for a period of one year or less, referred to in section 43 of the Chota Nagpur Tenancy Act, 1908 (Ben. Act VI of 1908.)

(b) lands used for agricultural or horticultural purposes and held in the direct possession of a temporary lessee of an estate or tenure and cultivated by himself with his own stock or by his own servants or by hired labour or with hired stock, and

(c) lands used for agricultural or horticultural purposes and in the possession of a mortgagee which immediately before the execution of the mortgage bond were in khas possession of such proprietor or tenure-holder,

shall, notwithstanding anything contained in this Act, be deemed to be settled by the State with such proprietor or tenure-holder, as the case may be, and such proprietor or tenure-holder shall be entitled to retain possession thereof and hold them as a *raiyat* under the State having occupancy rights in respect of such lands subject to the payment of such fair and equitable rent as may be determined by the Collector in the prescribed manner :

Provided that nothing contained in this sub-section shall entitle a proprietor or tenure-holder to retain possession of any land recorded as *chaukidari chakran* or *gorait jagir* or *mafi gorait* in the record-of rights.

(2) If the claim of a proprietor or tenure-holder as to his *khas* possession over the lands referred to in sub-section (1) or as to the extent of such lands is disputed by any person prior to the determination of rent of such lands under the said sub-section, the Collector shall, on application, make such inquiry into the matter as he deems fit and pass such order as may appear to him to be just and proper :

Provided that the Collector in making such inquiry shall give due weight to the circumstances under which the area in which such lands were situated was declared to be a disturbed area under the Police Act, 1861 (V of 1861), after the first day of November, 1946.

7. *Buildings together with lands on which such buildings stand in the possession of proprietors and tenure-holders, and used as golas, factories or mills to be retained by them on payment of rent.*—(1) Such buildings or structures together with the lands on which they stand, other than any buildings used primarily as offices or *cutcheries* referred to in clause (a) of section 4, as were in the possession of a proprietor or tenure-holder at the commencement of this Act and used as *golas*, factories or mills for the purpose of trade, manufacture or commerce, or used for storing grains or keeping cattle or implements for the purpose of agriculture and constructed or established and used for the aforesaid purposes before the first day of January, 1946, shall, notwithstanding anything contained in this Act, be deemed to be settled by the State with such proprietor or tenure-holder, as the case may be, and such proprietor or tenure-holder shall be entitled to retain possession of such buildings or structures together with the lands on which they stand as a tenant under the State subject to the payment of such fair and equitable ground-rent as may be determined by the Collector in the prescribed manner.

(2) If the claim of such proprietor or tenure-holder as to the possession over such buildings or structures, or lands on which they stand or as to the extent of such buildings, structures or lands is disputed by any person within three months from the date of vesting, the Collector shall

make such inquiry in the matter as he deems fit and pass such order as may appear to him to be just and proper.

(3) Where a building or structure, constructed by a proprietor or tenure-holder in his estate or tenure after the first day of January, 1946, is used for the purposes mentioned in sub-section (1), the proprietor or tenure-holder shall be entitled to retain the possession of such building or structure together with the land on which it stands as a tenant under the State subject to the payment of the rent as provided in sub-section (1), if and only if the State Government is satisfied that such building or structure was not constructed or used for the aforesaid purposes with the object of defeating any provisions of this Act,

8. *Appeal against Collector's order under sections 5, 6 or 7*—An appeal against any order of the Collector under sub-section (2) of section 5, or section 6 or section 7, if preferred within sixty days of such order, shall lie to the prescribed authority who shall dispose of the appeal according to the prescribed procedure.

9. *Mines worked by proprietor or tenure-holder*—(1) With effect from the date of vesting, all such mines comprised in the estate or tenure as were in operation at the commencement of this Act and were being worked directly by the proprietor or tenure-holder shall, notwithstanding anything contained in this Act, be deemed to have been leased by the State Government to the proprietor or tenure-holder, as the case may be, and such proprietor or tenure-holder shall be entitled to retain possession of those mines as a lessee thereof.

(2) The terms and the conditions of the said lease by the State Government shall be such as may be agreed upon between the State Government and the proprietors or tenure-holder, as the case may be, or in default of agreement, as may be settled by a Mines Tribunal appointed under section 12.

Provided that all such terms and conditions shall be in accordance with the provisions of any Central Act for the time being in force regulating the grant of new mining leases.

10 *Subsisting leases of mines and minerals*—(1) Notwithstanding anything contained in this Act, where immediately before the date of vesting of the estate or tenure there is a subsisting lease of mines or minerals comprised in the estate or tenure or any part thereof, the whole or that part of the estate or tenure comprised in such lease shall, with effect from the date of vesting, be deemed to have been leased by the State Government to the holder of the said subsisting lease for the remainder of the term of that lease, and such holder shall be entitled to retain possession of the lease-hold property.

(2) The terms and conditions of the said lease by the State Government shall *mutatis mutandis* be the same as the terms and conditions of the subsisting lease referred to in sub-section (1), but with the Additional condition that, if in the opinion of the State Government the holder of the lease had not, before the date of the commencement of this Act, done any prospecting or development work, the State Government shall be entitled at any time before the expiry of one year from the said date to terminate the lease by giving three months' notice in writing :

Provided that nothing in this sub-section shall be deemed to prevent any modifications being made in the terms and conditions of the said lease in accordance with the provisions of any Central Act for the time being in force regulating the modification of existing mining leases.

(3) The holder of any such lease of mines and minerals as is referred to in sub-section (1) shall not be entitled to claim any damages from the outgoing proprietor or tenure-holder on the ground that the terms of the lease executed by such proprietor or tenure-holder in respect of the said mines and minerals have become incapable of fulfilment by the operation of this Act.

11. *Buildings and lands appurtenant to mines.*—Where by virtue of section 9 or section 10, any lease of mines and minerals comprised in an estate or tenure is deemed to be given by the State all buildings and lands not included in such lease, whether comprised in that or any other estate or tenure, which vest in the State by operation of this Act and are in the use and occupation of the lessee for purposes connected with the working or extraction of the mines and minerals comprised in the lease, including the lands upon which any works, machinery, tramways or sidings appertaining to the mines are situate, shall be deemed to have been leased by the State to that lessee with effect from the date of vesting of the estate or tenure, and the lessee shall be entitled to retain possession of all such buildings and land subject to the payment of such fair and equitable ground rent as may be agreed upon between the State and the lessee, or in default of agreement as may be fixed by a Mines Tribunal appointed under section 12.

12. *Mines Tribunal.*—(1) Any Mines Tribunal appointed for the purposes of section 9, 11 and 31 shall consist of a Chairman who shall be a District Judge and a member who shall be a mining expert, both of whom shall be appointed by the State Government with the previous approval of the Central Government.

(2) In settling the terms and conditions of a lease by the State Government under section 9, the Mines Tribunal shall have power to determine the extent of the property deemed to have been leased by the State and in so doing shall have regard to the reasonable requirements for the future development of the lessee's mining concern.

(3) The Tribunal shall follow such procedure as may be prescribed by the State Government.

(4) If there is a difference of opinion between the Chairman and the member in regard to any matter, it shall be referred by the Chairman to a Judge of the High Court nominated by the Chief Justice in this behalf, and the decision of such Judge shall be binding on the Tribunal.

CHAPTER III

MANAGEMENT OF ESTATES AND TENURES TRASFERRED TO THE STATE.

13. *Management of estates and tenures vested in the State.*—All estates and tenures vested in the State under the provisions of this Act shall, as far as practicable, be managed according to the rules for the time being in force for the management of Government estates subject to such directions as may, by general or special order, be issued from time to time by the State Government in this behalf:

Provided that in an area in respect of which a *Gram Panchayat* has been established under section 3 of the Bihar Panchayat Raj Act, 1947 (Bihar Act VII of 1948), the State Government may on such terms and conditions as it may, by general or special order, fix and, subject to such rules as may be prescribed, entrust the management of such estates and tenures including trees, forests, fisheries, *jalkars*, *hats*, *bazars* and ferries, comprised in such estates and tenures within the said area to the Executive Committee of such *Gram Panchayat*.

CHAPTER IV

PROVISIONS RELATING TO CERTAIN DEBTS OF PROPRIETOR AND TENURE-HOLDER.

14. *Time within which secured creditors may file claims.*—(1) Every creditor, whose debt is secured by the mortgage of, or is a charge on, any estate or tenure or part thereof vested in the State under section 3 may, within six months of date of such vesting or the date on which such creditor is dispossessed under the provisions of clause (g) of section 4, or within three months from the date of appointment of the Claims Officer, whichever date is later, notify in the prescribed manner his claim in writing to a Claims Officer to be appointed by the State Government for the purpose of determining the amount of debt legally and justly payable to each creditor in respect of his claim.

Explanation I.—For the purpose of this section, a *sarpeshgi* lease and *satua patua* lease or a lease executed in lieu of advances made or a dower debt of a widow in lieu of which she is in possession of an estate or tenure shall be deemed to be a debt secured by mortgage.

Explanation II.—Different Claims Officers may be appointed for different areas.

(2) The Claims Officer shall be –

(a) a Subordinate Judge, if the claim notified under sub-section (1) exceeds ten thousand rupees;

(b) a Munsif if such claim does not exceed ten thousand rupees.

(3) Every claim of the nature referred to in sub-section (1) which is not duly notified to the Claims Officer within the time and in the manner mentioned in the said sub-section shall be barred:

Provided that, when proof is made to the Claims Officer that the claimant was prevented by any sufficient cause from complying with the provisions of the said sub-section, the Claims Officer may admit his claim within a further period of two months from the expiration of the said period of six months or three months, as the case may be.

15. *Creditor to furnish full particulars and documents.*—Every creditor submitting his claim in compliance with the provisions of section 14 shall furnish, along with his written statement of claim, full particulars thereof; and shall, within such time as the Claims Officer may appoint, produce all documents which are in his possession, power or control (including entries in books of accounts) on which he relies to support his claim, together with a true copy of every such document.

16. *Determination of amount due to creditor and the order of priority as between two or more creditors.*—(1) The Claims Officer shall, in accordance with the rules to be made under this Act, determine the principal amount justly due to each creditor and the interest (if any) due at the date of such determination in respect of such principal amount.

(2) In determining the principal amount and interest under sub-section (1), the Claims Officer shall proceed in the following manner:—

(a) he shall ascertain the amount of the principal originally advanced in each case, irrespective of the closing of accounts, execution of fresh bonds, or decree or order of a Court;

(b) he shall ascertain the amount of the interest already paid or realised and shall set off towards the amount of the principal any amount paid or realised as simple interest in excess of six *per centum per annum* or the stipulated rate of interest, whichever is lower;

(c) he shall separately specify the amount of the principal and the amount of the interest, if any, due to the creditor, such interest being

calculated at the rate mentioned in clause (b) and being limited to the amount of the principal originally advanced ;

(d) if he finds that in any case the creditor has received or realised by way of interest an amount equal to or more than the amount of the principal, he shall not allow any further interest to run on such principal ;

Explanation.—In the case of a usufructuary mortgage, *zarpeshgi* lease or a *satua patua* lease of an estate or tenure, or in the case of possession of such estate or tenure or part thereof by a widow in lieu of her dower debt, the net amount of rents and profits accruing from such estate or tenure shall be deemed to be the interest for the purposes of this section.

(*e*) in other cases, the amount of the principal ascertained to be due to the claimant shall carry interest at the rate of three *per centum per annum* or such other rate not exceeding six *per centum per annum* as may be prescribed by the State Government ;

(*f*) no future interest shall run on any interest ascertained to be due to a creditor.

(3) When there are two or more such creditors, the Claims Officer shall also settle the order in which each creditor is entitled to receive the amount due to him. In doing so, he shall be guided by the appropriate provisions of the Transfer of Property Act, 1882 (IV of 1882).

17. *Appeal against the decision of Claims Officer.*—An appeal shall lie against any decision of the Claims Officer under section 16, if preferred within sixty days of the date of such decision, to a Board to be constituted by the State Government in the manner provided in section 18.

18. *Constitution of the Board and procedure.*—(1) The Board shall consist of one member who shall be—

(*a*) a Judge of the High Court, if the appeal preferred involves a claim exceeding ten thousand rupees ;

(*b*) a District Judge, if such appeal involves a claim which does not exceed ten thousand rupees.

(2) Such appeal shall be disposed of according to the prescribed procedure.

(3) The decision of the Board and, where no appeal has been preferred to the Board, the decision of the Claims Officer shall be final.

CHAPTER V.

ASSESSMENT OF COMPENSATION.

19. *Appointment of Compensation Officer.*—As soon as possible after the publication of the notification under sub-section (1) of section 3, the State Government shall appoint one or more officers to be designated as Compensation Officer who shall prepare in the prescribed form and in the prescribed manner a Compensation Assessment-roll containing the gross asset and the net income of each proprietor and tenure holder of estates and tenures, the arrears of rents, including royalties, cesses and interest referred to in clause (*b*) of section 4 and the compensation to be paid in accordance with the provisions of this Act to such proprietor or tenure-holder and all other persons whose interests are transferred to the State under this Act together with such other particulars as may be prescribed.

20. *Separate treatment of proprietor and tenure-holder having share.*—In preparing such Compensation Assessment-roll, every proprietor or tenure-holder or a member of a joint Hindu family having or entitled to a share in any estate or tenure, as if there were a partition on the date of vesting, shall, for the purpose of assesment and payment of compensation, be treated separately :

Provided that all the interests of a person so treated in all the estates and tenures owned by him or the interests in all the estates or tenures owned by the same proprietor or tenure-holder shall be treated jointly for the said purpose.

21. *Powers of Compensation Officer to disregard certain trusts* —In preparing such Compensation Assessment-roll, the Compensation Officer shall, with the previous sanction of the State Government, have power to disregard any trust comprising such estate or tenure, effected or created after the first day of January, 1946, if it appears to the Compensation Officer that such trust has been effected or created only with the object of securing annuities under clause (3) of section 24.

22. *"Previous agricultural year" and "gross asset" defined* —For the purposes of this Chapter—

(1) "previous agricultural year" means the agricultural year immediately preceding that in which the date of vesting falls ;

(2) "gross assets", when used with reference to a proprietor or tenure-holder, means the aggregate of the rents, including all cesses, which were payable in respect of the estates or tenures of such proprietor or tenure-holder for the previous agricultural year—

(a) by the immediately subordinate tenant, in case such immediately subordinate tenant is a tenure-holder of a permanent or resumable tenure ;

(b) by the *raiyats*, in all other cases and includes—

(i) the aggregate of the rents determined in accordance with the provisions of the proviso to sub section (1) of section 5, and sections 6 and 7 in respect of the lands in the possession of the proprietor or tenure-holder referred to in the said provisions ;

(ii) rents determined in the prescribed manner in respect of *mazrua malik* or *parti* lands appertaining to such estates or tenures ;

(iii) rent of lands purchased by a proprietor or tenure holder in execution of decrees for arrears of rent (such lands not being in *khas* possession of such proprietor or tenure-holder or settled with any *raiyat*) at the rate payable before such sale ;

(iv) annual rent determined in the prescribed manner of buildings or portions of buildings used primarily as offices or *cutcheries* for the collection of rents ;

(v) rents to be determined in the prescribed manner of lands in respect of which an order for the partial or entire remission of rent has been passed under clause (c) of sub section (1) of section 112A of the Bihar Tenancy Act, 1885 (VIII of 885) or under clause (c) or clause (d) of section 23A of the Chota Nagpur Tenancy Act, 1908 (Ben. Act VI of 1908) and is in force in the agricultural year preceding the agricultural year in which the date of vesting falls ;

(vi) gross income of the previous agricultural year from fisheries, trees, *jalkars*, ferries, *hats*, *bazars* and *sairati* interests :

Explanation —In this sub-clause, the gross income from *hats* and *bazars* does not include any *sayer* or tolls the collection of which has been prohibited by Bengal Regulation XXVII of 1793.

(vii) gross income from forests calculated on the basis of the average gross annual income of twenty-five agricultural years preceding the agricultural year in which the date of vesting falls, which in the opinion of a Forest Officer, not below the rank of a Divisional Forest Officer, to be appointed in this behalf by the State Government, the forests would have yielded, if they had been placed during the said period of

twenty-five years under the management of the State Government under any law for the time being in force relating to forests ;

(*viii*) gross annual income of previous agricultural year from any other interest appertaining to an estate or tenure vesting in the State and not expressly mentioned in sub-clauses (*i*) to (*vii*).

23. *Computation of net income.*—(1) For the purposes of preparing Compensation Assessment-roll, the net income of a proprietor or a tenure-holder shall be computed by deducting from the gross asset of such proprietor or tenure-holder, as the case may be, the following, namely :—

(*a*) any sum which was payable as land revenue or rent (including cesses to the State Government or to the immediately superior landlord, as the case may be, in respect of the estate or tenure of such proprietor or tenure-holder for the previous agricultural year :

Provided that where rent of a holding comprised in such estate or tenure has been computed into cash rent and there has been no re-valuation of the cess payable in respect of that estate or tenure, the cess payable under this clause shall be determined on the basis of the commuted rent :

Provided further that if any land comprised in such estate or tenure is lost by diluvion or is covered with water so as to make such land uncultivable, the cess payable under this clause shall be reduced by an amount which bears to the cess of the entire estate or tenure the same proportion as the area lost or covered bears to the area of the entire estate or tenure ;

(b) any sum which was payable by such proprietor or tenure-holder as agricultural income-tax in respect of any agricultural income derived from such estate or tenure for the previous agricultural year ;

(c) any sum which was payable by such proprietor or tenure holder as income-tax in respect of any income derived from such estate or tenure, other than royalties, for the previous agricultural year :

Provided that the income-tax payable under this clause shall be determined in accordance with the rate of assessment which would have been applicable if the proprietor or tenure-holder had no income other than the income derived from such estate or tenure :

(d) any sum which was payable as chaukidara tax or municipal tax in respect of any building or part of building used primarily as office or *cutchery* for the management of such estate or tenure ;

(e) cost of management of such estate or tenure at the following rates, namely :—

Amount of gross asset.	Rate.
(i) Where the gross asset does not exceed Rs. 2,000.	5 *per centum* of such gross asset ;
(ii) Where the gross asset exceeds Rs. 2,000 but does not exceed Rs. 5,000.	7½ *per centum* of such gross asset ;
(iii) where the gross asset exceeds Rs. 5,000 but does not exceed Rs. 10,000.	10 *per centum* of such gross asset ;
(iv) where the gross asset exceeds Rs. 10,000 but does not exceed Rs. 15,000.	12½ *per centum* of such gross asset ;
(v) where the gross asset exceeds Rs. 15,000.	Not less than 15 and not more than 20 *per centum* of such gross asset ;

(f) cost of works of benefit to the *raiyats* of such estate or tenure at the following rates, namely:—

	Amount of gross asset.	Rate.
(i)	where the gross asset does not exceed Rs. 5,000.	4 *per centum* of such gross asset;
(ii)	where the gross asset exceeds Rs. 5,000 but does not exceed Rs. 10,000	6 *per centum* of such gross asset;
(iii)	where the gross asset exceeds Rs. 10,000 but does not exceed Rs. 15,000.	8 *per centum* of such gross asset;
(iv)	where the gross asset exceeds Rs. 15,000 but does not exceed Rs. 20,000.	10 *per centum* of such gross asset;
(v)	where the gross asset exceeds Rs. 20,000.	12½ *per centum* of such gross asset:

Provided that in the case of a tenure-holder, the deduction on account of the cost of works of benefit to the *raiyats* shall be calculated on the gross asset of such tenure-holder after setting off the rents and cesses payable by him to his immediately superior landlord:

Provided further that the deductions on account of the cost of management and the cost of benefit to the *raiyats*, referred to in clauses (e) and (f), shall not in any case have the effect of reducing the net asset of the proprietor or tenure-holder specified in any entry in sub-clauses (ii) to (v) of each of the said clauses to an amount below the net asset of the proprietor or tenure-holder specified in the entry mentioned in sub-clauses (i) to (iv), respectively, of each of the said clauses;

Explanation.—For the purposes of this section, the term "net asset" means the gross asset *minus* the deductions on account of the cost of management and cost of works of benefit to the *raiyats*.

Illustration.—A proprietor or tenure holder has a gross asset of Rs. 5,000. After deducting the cost of management at the rate of 7½ *per centum* and the cost of works of benefit to the *raiyats* at the rate of 4 *per centum*, his net asset comes to Rs. 4,425.

Another proprietor or tenure holder has a gross asset of Rs. 5,100. After deducting the cost of management at the rate of 10 *per centum* and the cost of works of benefit to the *raiyats* at the rate of 6 *per centum*, his net asset comes to Rs. 4,284, but under the terms of the proviso, his net asset shall not be less than Rs. 4,425.

(g) any other tax or legal imposition payable in respect of such estate or tenure not expressly mentioned in clauses (a) to (f), or the value, to be commuted in the prescribed manner, of any services or obligations of any other form to be rendered or discharged as a condition precedent to his enjoyment of such estate or tenure.

(2) The State Government may make rules providing for the manner of calculation of sums under the different clauses of sub-section (1), when the estate or tenure vested in the State under section 3 is a share in an estate or tenure or when the previous agricultural year does not exactly coincide with the year according to which any sum referred to in any of the said clauses was payable.

24. *Rates of compensation*.—After the net income has been computed under section 23, the Compensation Officer shall for the purpose of preparing the Compensation Assessment-roll proceed to determine the amount

of compensation to be payable in respect of the transference to the State of the interests of each proprietor or tenure-holder as follows:—

(1) in the case of a proprietor or tenure-holder of a permanent or resumable tenure, the compensation payable shall be determined in accordance with the following table, namely :—

Amount of net income.	Rate of compensation payable.
(a) Where the net income so computed does not exceed Rs 500.	Twenty times such net income.
(b) Where the net income so computed exceeds Rs 500 but does not exceed Rs. 1,250.	Nineteen times such net income but in any case not less than the maximum amount under item (a) above.
(c) Where the net income so computed exceeds Rs. 1,250 but does not exceed Rs. 2,000.	Eighteen times such net income but in any case not less than the maximum amount under item (b) above.
(d) Where the net income so computed exceeds Rs. 2,000 but does not exceed Rs. 2,750.	Seventeen times such net income but in any case not less than the maximum amount under item (c) above.
(e) Where the net income so computed exceeds Rs. 2,750 but does not exceed Rs. 3,500.	Sixteen times such net income but in any case not less than the maximum amount under item (d) above.
(f) Where the net income so computed exceeds Rs. 3,500 but does not exceed Rs. 4,250	Fifteen times such net income but in any case not less than the maximum amount under item (e) above.
(g) Where the net income so computed exceeds Rs. 4,250 but does not exceed Rs. 5,000	Fourteen times such net income but in any case not less than the maximum amount under item (f) above.
(h) Where the net income so computed exceeds Rs. 5,000 but does not exceed Rs. 10,000	Ten times such net income but in any case not less than the maximum amount under item (g) above.
(i) Where the net income so computed exceeds Rs. 10,000 but does not exceed Rs 20,000.	Eight times such net income but in any case not less than the maximum amount under item (h) above.
(j) Where the net income so computed exceeds Rs. 20,000 but does not exceed Rs. 50,000	Six times such net income but in any case not less than the maximum amount under item (i) above.
(k) Where the net income so computed exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Four times such net income but in any case not less than the maximum amount under item (j) above.
(l) Where the net income so computed exceeds Rs. 1,00,000.	Three times such net income but in any case not less than the maximum amount under item (k) above.

To the amount thus determined shall be added—

(*i*) fifty *per centum* of the arrears of rents including royalties, cesses and interest referred to in clause (*b*) of section (4) and where there is a temporary lessee under any proprietor or tenure-holder of a permanent or resumable tenure, fifty *per centum* of the arrears of rent due to such lessee from his tenants ; and

(*ii*) the amount of compensation payable to a proprietor or tenure-holder in respect of mines and minerals as determined under section 25 ;

Explanation.—The expression "resumable tenure" in this clause means a tenure which is held subject to the condition that it shall lapse to the estate of the grantor and be resumable by him or his successor in title—

(*a*) on failure of male heirs of the body of the original grantee in the male line or

(*b*) on the happening of any definite contingency other than that referred to above.

(2) in the case of the holder of a temporary lease of an estate or tenure, the compensation shall be paid out of the compensation payable under this Chapter to the immediately superior landlord of such lessee and the Compensation Officer shall apportion the compensation between such lessee and his immediately superior landlord subject to the rules made under this Act and, in making the apportionment, the Compensation Officer shall take into consideration the unexpired period of the lease, the advances paid by such lessee and the arrears of rent, if any, due to such lessee from his tenants;

(3) in the case where in the opinion of the Compensation Officer the net income or any portion of the net income in respect of any estate or tenure held under trust or other legal obligation has been dedicated exclusively to charitable or religious purposes without any reservation of pecuniary benefit to any individual, the compensation payable in respect of such income or such portion thereof shall, instead of being assessed under clause (1), be assessed as a perpetual annuity equal to such net income or such portion thereof, as the case may be :

Explanation.—The salary, remuneration or any allowance payable to a *Mutowalli* in the case of a *wakf* or to a trustee in any other case including a *shebait* of a Hindu religious trust not exceeding 15 *per centum* of the income dedicated exclusively to charitable or religious purposes shall not be deemed to be a reservation of pecuniary benefit to any individual within the meaning of this clause.

(4) in the case where an estate or tenure or any part thereof is held in trust other than a trust exclusively dedicated for religious or charitable purposes and the beneficiaries thereof are members of a joint Hindu family, the compensation payable to each beneficiary shall be determined on the basis of his share of the net income in respect of such estate or tenure or part thereof, as the case may be;

(5) in the case where the interest of a proprietor or tenure-holder is subject to a mortgage or charge, the compensation shall first be payable to the creditor holding such mortgage or charge and the balance, if any, shall be payable to the proprietor or tenure-holder concerned. The amount of compensation payable to a creditor on account of such mortgage or charge shall be the amount determined under Chapter IV which, notwithstanding anything contained in any law for the time being in force, shall not in any case exceed the amount of compensation payable in respect of the estate or tenure or portion thereof which is subject to such mortgage or charge, and where there are two or more such creditors the compensation shall be payable to them in the order determined under the said Chapter :

(6) in the case of an estate, succession to which is governed by the law of primogeniture, where any person is in receipt of a monetary allowance in lieu of maintenance which is a charge on the estate, the allowance paid to such person shall be deemed to be the net income of such person,

and he shall be paid compensation on such net income and the amount of such net income shall be deducted from the net income of the proprietor of such estate for the purpose of determining the amount of compensation payable to him under this Act :

Provided that if the claim of any person to such monetary allowance in lieu of maintenance or as to the extent of the charge on such estate on account of such maintenance is disputed by any person at any time before the final publication of the Compensation Assessment roll under section 28, the Compensation Officer shall, on application, make such enquiry into the matter as he deems fit and pass such order as may appear to him to be just and proper :

Provided further that an appeal against any such order of the Compensation Officer shall lie to the authority and be disposed of in the manner provided in section 27.

25. *Computation of compensation payable for mines and minerals.*—(1) The Compensation Officer shall prepare in the prescribed form and in the prescribed manner a Compensation Assessment-roll containing in respect of every proprietor or tenure holder in receipt of royalties on account of mines and minerals or directly working mines comprised in the estate or tenure,—

(a) his gross income and net income from such royalties ;

(b) his gross income from mines worked directly by him and the amount deemed to be his net income from royalties in respect of such mines ;

(c) the amount of compensation payable to him under the provisions of this Act for mines and minerals ; and

(d) such other particulars as may be prescribed.

(2) For the purposes of clause (*a*) of sub-section (1) the gross income of a proprietor or tenure-holder from royalties shall be the average annual income on account of royalties, calculated on the basis of the annual returns filed by the proprietor or tenure-holder, as the case be, for the assessment of cess or income-tax during the period of twelve agricultural years preceding the agricultural year in which the date of vesting falls, or any shorter period for which such returns have been filed, and the net income from royalties shall be computed by deducting from the gross income so determined the average of the income-tax paid thereon during the said period and the cost of collection at such rates as may be prescribed :

Provided that any sum shown in either of the said annual returns as having been received by the proprietor or tenure-holder by way of *salami* or premium shall not be taken into account in calculating the gross income from royalties.

(3) For the purposes of clause (*b*) of sub section (1), the gross income of a proprietor or tenure-holder from mines worked directly by him shall be the average annual gross income from such mines calculated on the same basis as that specified in sub-section (2) ; and an amount equal to five *per centum* of the gross income so determined shall be deemed to be the net income from royalties which he might have derived in respect of such mines if he had leased them to another person.

(4) After the net income from royalties has been computed under sub-sections (2) and (3), the Compensation Officer shall proceed to determine the amount of compensation to be payable to the proprietor or tenure-holder, as the case may be, in the manner and in accordance with the principles hereinafter set out, that is to say—

(*a*) where the amount of compensation can be fixed by agreement, it shall be determined in accordance with such agreement;

(*b*) where no such agreement is reached within the prescribed period, the Compensation Officer shall refer the question of the determination of the amount of compensation to a Tribunal to be appointed by the State Government in this behalf;

(*c*) for the purposes aforesaid, the Tribunal to be appointed by the State Government shall consist of a District Judge;

(*d*) the State Government shall nominate a Mining Expert to assist the Tribunal

(*e*) at the commencement of the proceeding before the Tribunal, the State Government and the proprietor or tenure-holder, as the case may be, shall state what in their respective opinions is a fair amount of compensation;

(*f*) the Tribunal in giving its award shall have regard to the provisions of sub-sections (2 and (3) and to the opinion of the Mining Expert, with regard to the extent of the mining operations carried on and of the minerals obtained, and determine the amount of compensation to be payable to the proprietor or tenure-holder, as the case may be, at such rate which shall be not less than three and not more than twenty times of the net income from royalties, as may appear to the Tribunal to be fair and equitable;

(*g*) every award made by the Tribunal under this sub-section shall be communicated to the Compensation Officer who made the reference and thereupon he shall proceed to complete the Compensation Assessment roll accordingly.

26. *Preliminary publication of Compensation Assessment-roll* – (1) After the amount of compensation to be paid in respect of the interests of the proprietors and tenure-holders which have vested in the State under the provisions of this Act has been determined in accordance with the provisions of section 24 and section 25, the Compensation Officer shall prepare the Compensation Assessment-roll under section 16 or section 25, as the case may be, and when such roll has been prepared, the Compensation Officer shall cause a draft of it to be published in the prescribed manner and for the prescribed period which shall not be less than thirty days and shall send by registered post, with acknowledgment due, a copy of such draft to the proprietor or tenure-holder whose name appears in such draft Compensation Assessment roll. The Compensation Officer shall receive and consider any objections which may be made to any entry in such draft Compensation Assessment-roll or to any omission therefrom during the period of publication and shall dispose of such objections according to such rules as the State Government may make in this behalf.

(2) Separate draft Compensation Assessment-rolls shall be prepared and published under sub-section (1) for different proprietors and tenure-holders:

Provided that it shall not be obligatory on the Compensation Officer to prepare a separate draft Compensation Assessment-roll for different members of a joint Hindu family.

27. *Appeal* —An appeal, if presented within two months from the date of the order appealed against, shall lie from every order passed by a Compensation Officer under sub-section (1) of section 26 to a Judge of the High Court to be appointed by the State Government for the purpose, and he shall consider and dispose of such appeals in the prescribed manner.

28. *Final publication of the Compensation Assessment-roll.*—When all such objections and appeals have been disposed of, the Compensation Officer shall make such alterations in the draft Compensation Assessment-roll as may be necessary to give effect to any orders passed on objections made under sub-section (1) of section 26 or on appeals preferred under section 27 and shall cause the said roll as so altered to be finally published in the prescribed manner and every entry in the roll so finally published shall, except as hereinafter provided, be final and conclusive evidence of the matter referred to in such entry and also of the nature of the interests of a proprietor or tenure-holder and the apportionment of the compensation among the persons claiming interest therein.

29. *Certificate and presumption as to final publication of Compensation Assessment-roll.*—When a Compensation Assessment-roll has been finally published under section 28, the Compensation Officer shall, within such time as the State Government may by general or special order require, make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same with his name and official designation and such certificate shall be a conclusive proof of such publication and of the date thereof.

30. *Correction by Compensation Officer of bona fide mistakes* —(1) A Compensation Officer may, on application, or of his own motion, at any time before payment of compensation in accordance with a Compensation Assessment-roll under section 32, correct any entry in the Compensation Assessment-roll as finally published in respect of any proprietor or tenure-holder to whom such Compensation Assessment-roll relates or any entry in such Compensation Assessment-roll which he is satisfied has been made owing to a *bona fide* mistake or is necessary as a result of succession to or transfer of the interest of a proprietor or tenure-holder or any other person whose name appears in such roll as a person entitled to compensation :

Provided that no such correction shall be made if an appeal affecting such entry has been presented under section 27.

(2) No correction of any entry in the Compensation Assessment-roll as finally published in respect of any proprietor or tenure-holder to whom such Compensation Assessment-roll relates shall be made under sub-section (1) unless the Compensation Officer has first published a draft of such correction and sent by registered post, with acknowledgment due, a copy of such draft to the proprietor or tenure-holder to whom such correction relates and has finally published such correction after considering and disposing of any objections which may have been made to any such correction in the manner provided in the last four preceding sections.

31. *Determination of compensation for premature termination of lease of mines and minerals.*—(1) Where in pursuance of the additional condition mentioned in sub-section (2) of section 10, any lease of mines or minerals is terminated by the State Government, the lessee shall be entitled to such compensation from the State Government for the premature termination of the lease as may be agreed upon between the State Government and the holder of the lease, or in default of agreement, as may be determined by a Mines Tribunal appointed under section 12.

(2) In determining the compensation payable under sub-section (1), the Tribunal shall, among other things, have regard to the genuineness of the transaction, and the period for which the lease has been in force.

CHAPTER VI.

PAYMENT OF COMPENSATION.

32. *Manner of payment of compensation.*— (1) When the time within which appeals under section 27 may be made in respect of any entry in or omission from a Compensation Assessment-roll has expired or where any such appeal has been made under that section and the same has been disposed of, the Compensation Officer shall proceed to make payment, in the manner provided in this section, to the proprietors, tenure-holders and other persons who are shown in such Compensation Assessment-roll as finally published under section 28 to be entitled to compensation, of the compensation payable to them in terms of the said roll after deducting from the amount of any compensation so payable any amount which has been ordered by the Collector under clause (b) or clause (c) of section 4 to be so deducted.

(2) The amount of compensation so payable in terms of a Compensation Assessment roll as finally published shall be paid in cash or in bonds or partly in cash and partly in bonds. The bonds shall be either negotiable or non negotiable and non-transferable and be payable in forty equal instalments to the person named therein and shall carry interest at two and a half *per centum per annum* with effect from the date of issue.

(3) The Compensation Officer shall in the prescribed manner tender payment of the compensation so payable in cash or in bonds to the person or persons entitled thereto according to the Compensation Assessment roll as finally published and shall pay it to such person or persons unless prevented by some one or more of the contingencies mentioned in sub section (4) or sub-section (5).

(4) (a) Where a dispute about the interest of a proprietor or tenure-holder in an estate or tenure, or part of an estate or tenure, or about the partition of an estate or tenure by metes and bounds, in respect of which compensation is payable was pending on the 31st March, 1948, in a Court, other than the Supreme Court, whether in any suit, appeal or other proceeding, and was undisposed of at the date of vesting, the Court shall, on the application of any party to such a suit, appeal or proceeding filed within sixty days of the date of vesting, stay all further proceedings in respect thereof and refer all matters in dispute to a Tribunal appointed by the State Government in this behalf.

(b) For the purposes aforesaid, the Tribunal to be appointed by the State Government shall consist of three members, namely :—

(i) a Chairman who shall be—

(a) a Judge of the High Court, if the suit, appeal or proceeding be pending in the High Court ; or

(b) a District Judge, if the suit, appeal or proceeding be pending in any other Court ; and

(ii) two members to represent the respective parties to such suit, appeal or proceeding ; the person appointed as a member to represent any party shall be appointed on the recommendation of that party :

Provided that if any party does not recommend any person within the prescribed period, or the services of the person recommended are not available within such period as the State Government may consider reasonable, the Tribunal shall consist of only the High Court Judge or the District Judge, as the case may be.

(c) If any vacancy occurs in the Tribunal so constituted, it shall be lawful for the State Government to fill up the vacancy in the manner

specified in sub-clause (b) and the proceeding shall be continued before such Tribunal as so reconstituted.

(d) No order of the State Government constituting a Tribunal under this sub-section shall be called in question in any manner whatsoever.

(e) In deciding the matter referred to them, the Tribunal shall follow the procedure to be prescribed by the State Government.

(f) The Tribunal shall have the same power regarding the summoning and attendance of witnesses and compelling the production of documents as a Civil Court has under the Code of Civil Procedure, 1908 (V of 1908).

(g) Where the Tribunal consists of three members, and there is a difference of opinion among them, the decision shall be according to the opinion of the majority.

(h) Every award or order made by the Tribunal under this sub-section shall be final and conclusive and shall be communicated to the Court which made the reference within four months from the date of reference or such further time as may be allowed by such Court, and the Court shall thereupon proceed to pronounce judgment in terms of the award.

(i) It shall not be open to any party to challenge the award on any ground whatsoever and the order of the Court pronouncing judgment in terms of the award shall be final.

(j) The amount of compensation payable to the proprietor or tenure-holder in respect of such estate or tenure and all their rights and liabilities under this Act shall be determined on the basis of the order of the Court, referred to in clause (h).

(5) If the estate or tenure in respect of which the compensation is payable is held by a limited owner or the holder of a life interest, the Compensation Officer shall keep the amount of compensation in deposit with the Collector of the district and the Collector shall direct the payment of the interest accruing on the amount of compensation to the limited owner or the holder of the life interest during his life time. Such amount shall remain deposited with the Collector until the compensation money or portion thereof after making payments, if any, under the proviso to this sub-section is made over to any person or persons becoming absolutely entitled thereto:

Provided that nothing in this sub-section shall be deemed to affect the right of any limited owner or the holder of a life interest to apply to the District Judge for the payment of a part of the compensation money to defray any expenses which may be necessary to meet any legal necessity.

33 *Making of interim payments to proprietor etc.*—(1) After the date of vesting and before the date of payment of compensation under sub-section (2) of section 32, *ad interim* payments shall be made six-monthly to the outgoing proprietor or tenure-holder of an estate or tenure which has vested in the State under the provisions of this Act in accordance with the following table, namely:—

(*a*) Where the approximate amount of compensation, to be calculated by the Collector in the prescribed manner, does not exceed Rs. 50,000.	3 *per centum per annum* of such approximate amount of compensation.
(*b*) Where the approximate amount of compensation, to be calculated in the prescribed manner by the Collector, exceeds Rs. 50,000.	2½ *per centum per annum* of such approximate amount of compensation, subject to the maximum of Rs. 62,500 *per annum*.

(2) Where any *ad interim* payment has been made to any outgoing proprietor or tenure-holder under this section, any such payment in excess of 2½ *per centum per annum* of the amount of compensation payable under section 32 shall be deducted from such compensation :

Provided that the Collector shall have the power to refuse, suspend or stop any such *ad interim* payment in the case of any proprietor or tenure-holder who in his opinion has failed or neglected to comply with any order under section 40.

CHAPTER VII.

BIHAR LAND COMMISSION.

34. *Constitution and functions of Bihar Land Commission.*—(1) There shall be established for the State of Bihar a Commission to be called the Bihar Land Commission which shall consist of the Minister of the Governor of Bihar in charge of Revenue as the Chairman and eleven members, of whom—

(*a*) five shall be members of the Bihar Legislative Assembly to be elected in the prescribed manner by the said Assembly ;

(*b*) three shall be members of the Bihar Legislative Council to be elected in the prescribed manner by the said Council ;

(*c*) two shall be persons appointed by the State Government ; and

(*d*) one shall be an official who shall also be the Secretary to the Commission to be appointed by the State Government.

(2) Subject to the provisions of this Act and any rules which may be made by the State Government in this behalf, it shall be the duty of the Commission to advise the State Government generally with regard to the agrarian policy which the State Government may from time to time follow in administering the system of land tenure in this State.

(3) (*a*) The members of the Commission shall hold office for the prescribed period from the date on which their election or appointment is respectively notified in the Official Gazette.

(*b*) The Commission may hold such inquiries as appear to it to be necessary or desirable for the purpose of the proper discharge of its functions.

(4) The Commission shall function purely as an advisory body and shall discharge such other functions as may be prescribed.

CHAPTER VIII.

MISCELLANEOUS.

35. *Bar to jurisdiction of Civil Courts in certain matters.*—No suit shall be brought in any Civil Court in respect of any entry in or omission from a Compensation Assessment-roll or in respect of any order passed under Chapters II to VI or concerning any matter which is or has already been the subject of any application made or proceedings taken under the said Chapters.

36. *Delegation.*—The State Government may, by notification, direct that any power which is conferred on it by this Act shall in such circumstances and under such conditions, if any, as may be specified in that direction, be exercised or discharged by any officer or authority subordinate to the State Government.

37. *Protection of action taken under this Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the State for any damage caused or likely to be caused or any injury suffered or likely

to be suffered by virtue of any provisions of this Act or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

38 *Collector, Claims Officer and Compensation Officer to have powers of a Civil Court and inquiry conducted by them to be deemed to be judicial proceeding.*—(1) The Collector, for the purposes of inquiries under sections 4, 5, 6 and 7, a Claims Officer for the purposes of inquiries under under section 16, a Compensation Officer, for the purposes of inquiries under Chapters V and VI, a Tribunal for the purposes of inquiries under sections 12, 25 and 31, and the Commission for the purposes of inquiries under section 34, shall have power to summon and enforce the attendance of witnesses or of any person having an interest in the subject matter of such inquiry and to compel the production of documents by the same means and, so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908).

(2) Every such inquiry conducted by the Collector or a Claims Officer or a Compensation Officer or a Tribunal or the Commission shall be deemed to be a "judicial proceeding" within the meanings of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (XLV of 1860), and every statement made by any person examined by or before him with reference to such inquiry, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

39. *Protection of trustees.*—No proceeding shall be taken in any Civil, Criminal or Revenue Court against a trustee holding an estate or tenure which has vested in the State under the provisions of this Act on the ground that the right of managing such estate or tenure is not exercised by him or on the ground that such estate or tenure has been transferred to the State.

40. *Power of Collector, Claims Officer and Compensation Officer to ask for information, require production of documents, etc.*—The Collector, the Claims Officer or the Compensation Officer may, at any time either before or after the date of vesting, by a written order served in the prescribed manner, require any proprietor or tenure-holder of an estate or tenure or any other person in possession of such estate or tenure or any part thereof or any agents or employees of such proprietor, tenure-holder or other person, as the case may be, to produce, at a time and place specified in the order, such documents, papers or registers or to furnish such information relating to such estate or tenure as the Collector, Claims Officer or the Compensation Officer may, from time to time, require for any of the purposes of this Act or for giving effect to any provision thereof.

41. *Penalties.*—If any person wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order or offers resistance or obstruction to the taking by the Collector of charge or possession of any property which has vested in the State under this Act, or furnishes information which he knows or has reason to believe to be false or does not believe to be true, he shall, on conviction by a Magistrate be punishable with imprisonment which may extend to two years or with fine or with both :

Provided that no prosecution under this section shall be undertaken except with the previous sanction of the Collector of the district.

42 *Vesting of estates or tenures under the management of State Government.*—When the interest of a proprietor or tenure-holder in an estate or tenure which is under the management of the State Government under the Court of Wards Act, 1879 (Ben. Act IX of 1879), or the Chota Nagpur

Encumbered Estates Act, 1876 (VI of 1876), or under any law for the time being in force relating to the management of private estates by the Government is transferred to the State under the provisions of this Act, then notwithstanding anything contained in the aforesaid Acts, the estate or tenure shall vest in the State and the provisions of the said Acts shall cease to apply to the said estate or tenure and all the provisions of this Act shall apply thereto.

43. *Power to make rules.*—(1) The State Government may, after previous publication, make rules, not inconsistent with the provisions of this Act, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the mode of service of any orders or notices issued under this Act;

(*b*) the forms to be used under this Act;

(*c*) the procedure to be followed in determining fair and equitable rent in respect of certain lands deemed to be settled with a proprietor or tenure holder under section 5, section 6 or section 7 ;

(*d*) the authority to which an appeal shall lie under section 8 and the procedure to be followed in disposing of such appeal ;

(*e*) the method of the management of estates and tenures under section 13 by the Executive Committee of a *Gram Panchayat* ;

(*f*) the manner of notification of claims by a creditor to a Claims Officer under sub-section (1) of section 14 ;

(*g*) the rate of interest to be admissible on the amount of the principal ascertained under clause (*e*) of sub-section (2) of section 16 ;

(*h*) the procedure to be followed in the disposal of appeals under sub-section (2) of section 18 ;

(*i*) the mode of preparation of the Compensation Assessment roll under section 19 ;

(*j*) the procedure to be followed in ascertaining the gross assets of a proprietor or tenure holder under any of the heads mentioned in sub-clauses (*i*), (*ii*), (*iii*), (*iv*), (*v*), (*vi*), (*vii*) and (*viii*) of clause (2) of section 22 ;

(*k*) the particulars to be prescribed under clause (*d*) of sub section (1) and the rates of the cost of collection to be prescribed under sub-section (2) of section 25, and the period within which an agreement should be reached between the State Government and the proprietor or tenure-holder, as the case may be, under clause (*b*) of sub-section (4) of the said section ;

(*l*) the manner and period of publication of a draft Compensation Assesment roll under sub-section (1) of section 26 and the disposal of objections under that sub-section ;

(*m*) the manner in which appeals under section 27 shall be considered and disposed of ;

(*n*) the manner of final publication of the Compensation Assessment roll under section 28 ;

(*o*) the procedure to be followed by the Tribunal under sub-section (3) of section 12, sub-section (4) of section 25, section 31 or sub-section (4) of section 32 ;

(*p*) the proportion in which compensation shall be payable in cash and in bonds and the manner of payment of such compensation under sub-sections (2) and (3) of section 32 ;

(*q*) the manner of calculating the approximate amount of compensation mentioned in sub-section (1) of section 33;

(*r*) the manner of holding elections under sub-section (1) of section 34 for the purpose of establishing the Commission, the term for which a member of the Commission shall hold office and the functions to be discharged by it;

(*s*) any other matter by this Act required, or expressly or impliedly authorised, to be prescribed.

The Bihar Finance (Amendment) Act, 1950.

The following Act of the State Legislature has been assented to by the Governor on the 13th October, 1950 [Vide Notification No. Leg. 1-02/50-Leg.-2006, of the Legislative Department, dated the 2nd November 1950, published in the *Bihar Gazette*, Extraordinary dated the 4th November 1950.]

Bihar Act XXXVI of 1950.

An Act to amend the Bihar Finance Act, 1950.

WHEREAS it is expedient to amend the Bihar Finance Act, 1950 (Bihar Act XVII of 1950), in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Finance (Amendment) Act, 1950.

2. *Amendment of section 12 Bihar Act XVII of 1950.*—To sub-section (3) of section 12 of the Bihar Finance Act, 1950 (Bihar Act XVII of 1950) (hereinafter referred to as the said Act), the following proviso shall be added, namely :—

"Provided that in determining the amount of tax payable under sub-section (1) or sub section (2), fractions of one quarter of an anna less than three pies but not less than a pie and a half shall be regarded as one quarter of an anna equal to three pies"

3. *Amendment of section 26 of Bihar Act XVII of 1950*.—In sub-section (2) of section 26 of the said Act,—

(*a*) in clause (*f*), the word "and" occurring at the end shall be omitted and after the clause as so amended, the following clauses shall be inserted, namely :—

"(*g*) prescribing the procedure for, and other matters (including fees) incidental to, the disposal of appeals under section 20;

(*h*) the procedure for, and other matters (including fees) incidental to, the making of applications, furnishing of information, and service of notice under this Part; and"; and (*b*) clause (*g*) shall be relettered as clause (*i*)

4. *Amendment made by section 2 to have retrospective effect*—The amendment made by section 2 shall form part and always be deemed to have formed part of Part III of the said Act, as though Part III of the said Act had been enacted as so amended from the commencement of the said Act.

The Motor Vehicles (Bihar Amendment) Act, 1949.

The following Act of the Bihar Legislature has been assented to by the President on the 26th June, 1950 [Vide Notification No. Legis-146/1950-Leg. R-106, of the Legislative Department, dated the 18th July 1950, published in the *Bihar Gazette*, Extraordinary, dated the 21st July 1950.]

Bihar Act XXVII of 1950.

An Act to amend the Motor Vehicles Act, 1939, in its application to the State of Bihar.

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939 (IV of 1939), in its application to the State of Bihar, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Motor Vehicles (Bihar Amendment) Act, 1949.

2. *Amendment of section 42 of Act IV of 1939.*—In section 42 of the Motor Vehicles Act, 1939 (IV of 1939) (hereinafter called the said Act), for clause (a) of sub-section (3), the following clause shall be substituted, namely :—

"(a) to any transport vehicle owned by or on behalf of the Central Government or a State Government other than a public service vehicle or a goods vehicle used for the purposes of hire or reward."

3. *Insertion of new section 43A in Act IV of 1939.*—After section 43 of the said Act, the following section shall be inserted, namely :—

"43A. *Power of State Government to issue orders and directions to Transport Authorities.*—The State Government may issue such orders and directions as it may consider necessary, in respect of any matter relating to road transport, to the State Transport Authority or Regional Transport Authority ; and such Transport Authority shall give effect to all such orders and directions."

4. *Amendment of section 44 of Act IV of 1939.*—After sub-section (2) of section 44 of the said Act, the following sub-section shall be inserted, namely :—

"(2A) Notwithstanding anything contained in sub-sections (1) and (2), but always subject to the other provisions of this Act, the State Transport Authority or a Regional Transport Authority shall cease to exercise and perform the powers and duties conferred or imposed on it by or under this Act in respect of transport vehicles or class of transport vehicles used in areas or on routes or portions thereof specified in a notification under sub-section (1) of section 66A with effect from such date and subject to such restrictions and exceptions, if any, as the State Government may, by notification, direct and the functions of the State Transport Authority or a Regional Transport Authority in respect of such transport vehicles or class of transport vehicles shall be discharged by such authority and in such manner as may be specified by the State Government in the said notification."

5. *Insertion of new section 44A in Act IV of 1939.*—After section 44 of the said Act, the following section shall be inserted, namely :—

"44A. *State Transport Commissioner or his subordinate to exercise notified powers.*—Notwithstanding anything contained in this Act, the State Government may, by notification, appoint a State Transport Commissioner and may authorize such Commissioner or any officer subordinate to him to exercise and discharge, in lieu of any other authority prescribed by or under this Act, such powers and functions as may be specified in the notification."

9. *Amendment of section 45 of Act IV of 1939.*—To section 45 of the said Act, the following proviso shall be added, namely :—

"Provided that the State Government may, by notification, direct that applications for such class of permits and in such region as may be specified in the notification, shall be made to the State Transport Authority."

7. *Insertion of new section 48A in Act IV of 1939.*—After section 48 of the said Act, the following section shall be inserted, namely :—

"48A. *Power of State Transport Authority to alter conditions attached to stage carriage permits.*—Any conditions attached to a stage carriage permit in pursuance of clause (d) of section 48 may, at any time, be varied, cancelled or added to by the State Transport Authority, provided that this power shall not be exercised to the prejudice of the holder of the permit without giving him at least three months' notice."

8. *Insertion of new section 51A in Act IV of 1939.*—After section 51 of the said Act the following section may be inserted, namely :—

"51A. *Power of State Transport Authority to alter conditions attached to contract carriage permits.*—Any conditions attached to a contract carriage permit in pursuance of section 51 may, at any time, be varied, cancelled or added to by the State Transport Authority, provided that this power shall not be exercised to the prejudice of the holder of the permit without giving him three months' notice."

9 *Insertion of new section 56A in Act IV of 1939*—After section 56 of the said Act, the following section shall be inserted, namely :—

"56A. *Power of State Transport Authority to alter conditions attached to public carrier's permits.*—Any conditions attached to a public carrier's permit in pursuance of clause (*b*) of section 56 may, at any time, be varied, cancelled or added to by the State Transport Authority, provided that this power shall not be exercised to the prejudice of the holder of the permit without giving him at least three months' notice."

10. *Amendment of section 58 of Act IV of 1939* —To section 58 of the said Act, the following sub-section shall be added, namely :—

"(3) Notwithstanding anything contained in sub-section (1), the State Government may, by order, direct the State Transport Authority or a Regional Transport Authority to limit to any period which shall be less than the minimum fixed in the said sub-section, the period of validity of permits or class of permits in respect of transport vehicles or class of transport vehicles used in areas or on routes or portions thereof specified in a notification under sub section (1) of section 66A."

11 *Insertion of new section 61A in Act IV of 1939* —After section 61 of the said Act, the following section shall be inserted, namely :—

"61A. *Transfer of permit to a joint stock company* —Notwithstanding anything contained in section 59 or 61, the holder of a permit may, without the permission of any transport authority, transfer his permit to a joint stock company referred to in sub-section (1) of section 66A."

12. *Amendment of section 62 of Act IV of 1939.*—In sub-section (1) of section 62 of the said Act, at the end of clause (*c*), the word "or" shall be inserted and after the said clause as so amended, the following clause shall be inserted, namely :—

"(*d*) in such circumstances as may, in the opinion of such authority, justify the grant of such permits."

13. *Insertion of new section 64A in Act IV of 1939.*—After section 64 of the said Act, the following section shall be inserted, namely :—

"64A. *Power of State Government to call for records* —The State Government may, on application made to it in this behalf, within thirty days of the passing of the order in the course of any proceedings taken under this Chapter by any authority or officer subordinate to it, call for the records of such proceedings, and after examining such records pass such order as it thinks fit.

14. *Insertion of new sections 66A and 66B in Act IV of 1939.*—After section 66 of the said Act, the following sections shall be inserted, namely :—

"66A. *Power of State Government in respect of certain routes.*— (1) The State Government may, by notification, declare that a joint stock company in which the Central Government or the State Government or both have controlling interest will engage in the business of road transport either throughout the State or in such areas therein or on such routes or portions thereof as may be specified in the notification.

Explanation.—The power conferred by this sub-section may be exercised from time to time, as occasion requires.

(2) Notwithstanding anything contained in this Act, the State Government may, by notification,—

(i) direct the appropriate Transport Authority that permits in respect of such areas or routes or portions thereof as may be specified in the notification may be granted to a joint stock company, referred to in sub-section (1); and

(ii) cancel any permit, or reduce the number of vehicles or routes covered by any permit, granted under the Act or class of such permits either generally or in any area specified in the notification :

Provided that no such notification cancelling any permit shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so :

Provided further that when any such permit has been cancelled, the holder of the permit shall be entitled to such compensation as may be provided in the rules.

(3) The State Government may, by notification, prescribe that any provision of this Chapter and any rule made thereunder shall not apply, or shall apply with such modifications as it may consider necessary, to a permit granted or to a permit cancelled under sub-section (2).

66B. *Bar to suit or proceedings.*— No order or direction issued under section 43A and no order made by any Transport Authority in pursuance of a notification issued under sub-section (2) of section 66A shall be called in question in any Court and no suit or other legal proceeding shall lie against the State Government or any Transport Authority for damages caused or likely to be caused by anything in good faith done or intended to be done by or under the provisions of the said sections."

15. *Amendment of section 68 of Act IV of 1939.*— In sub-section (2) of section 68 of the said Act,—

(a) at the end of clause (z), the word " and " shall be omitted ; and

(b) after the said clause as so amended, the following clause shall be inserted, namely:—

"(z1) the compensation to be paid to the holder of a permit granted or renewed in respect of a transport vehicle for the cancellation thereof ; and"

16. *Substitution of new section for section 112 of Act IV of 1939.*— For section 112 of the said Act, the following section shall be substituted, namely:—

"112. *General provision for punishment of offences.*—Whoever contravenes any provision of this Act or of any rule made thereunder shall, if no other penalty is provided for the offence, be punishable with fine which may extend to one hundred rupees, or, if, having been previously convicted of any offence under this Act, he is again convicted of an ofience under this Act, with fine which may extend to two hundred and fifty rupees."

The Bihar Goshala Act, 1950.

The following Act of the Bihar Legislature has been assented to by the President on the 24th August 1950 [Vide Notification No. Leg. R. 394 of the Legislative Department, dated the 20th September 1950, published in the *Bihar Gazette*, Part IV, dated the 27th September 1950.]

Bihar Act XXVIII of 1950.

An Act to provide for better management and control of Goshalas in the State of Bihar.

WHEREAS it is expedient to provide for the better management and control of *goshalas* in the State of Bihar ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bihar *Goshala* Act, 1950.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such dates and in such areas as the State Government may, from time to time, by notification, appoint and different dates may be appointed for different areas.

2. *Definitions.*—In this Act, unless there is anything repugnant in subject or context—

(a) "cattle" includes any domestic animal of the bovine species ;

(b) "Director" means the Director of Animal Husbandry Department, Bihar, and includes any officer appointed by the State Government to perform the functions of the Director of Animal Husbandry Department under this Act ;

(c) "Federation" means the Bihar State *Goshala Pinjrapole* Federation constituted under section 3 :

Provided that the Bihar Provincial *Goshala Pinjrapole* Federation registered under the Societies Registration Act, 1860 (XXI of 1860), shall be the Federation for the purposes of this Act until the establishment of a Federation under aforesaid section :

(d) "*goshala*" means a charitable institution established for the purpose of keeping breeding, rearing and maintaining cattle or for the purpose of reception, protection and treatment of infirm, aged or diseased cattle and includes a '*pinjrapole*' where such cattle are kept ;

(e) "*goshala* fund" means the *goshala* fund formed under section 14 :

(f) "prescribed" means prescribed by rules made by the State Government under this Act :

(g) "Registrar" means the Registrar of *goshalas* appointed by the State Government out of a panel of three names submitted by the Federation ;

(h) "regulation" means a regulation made by the Director under section 17 ; and

(i) "trustee" means a person or a body of persons, by whatever designation known, in whom the administration of a *goshala* is vested and includes any person who is liable as if he were a trustee.

3. *Establishment of the Federation.*—As soon as possible after this Act comes into force, there shall be established in the State of Bihar a Federation to be called the Bihar State *Goshala Pinjrapole* Federation. The Federation shall consist of the prescribed number of members elected by the trustees of the *goshalas* of the State in the prescribed manner at a meeting specially held for the purpose.

4. *Office of the Registrar and conditions of service of the Registrar and persons employed in his establishment.*—(1) The Registrar may be

either a paid or an honorary officer as the State Government may, from time to time, determine.

(2) The Registrar shall hold office for a term of five years and shall be eligible for reappointment for a further period of not more than five years.

(3) The Registrar shall draw such salary or allowances, if any, and shall be subject to such conditions of service as the State Government may from time to time, determine.

(4) The State Government may remove the Registrar from office if he refuses to act or becomes incapable of acting or acts in a manner which the State Government, after hearing any explanation that he may offer, consider to be prejudicial to the interest of the *goshalas* in the State

(5) Subject to the approval of the State Government, the Registrar may, from time to time, determine the number, designation grades and scales of salary and other conditions of service of persons employed in his establishment

(6) The powers of appointing, promoting and granting leave to such persons and of reducing their rank or dismissing them and dispensing with their services shall vest in the Registrar.

5. *Trustees to furnish particulars relating to* goshalas.—(1) The trustee of every *goshala* shall, in the case of—

(i) a *goshala* established before the commencement of this Act, within six months of the commencement of this Act, and

(ii) a *goshala* established after the commencement of this Act, within six months of the vesting in or assumption by him of the administration of the property of such *goshala*,

submit to the Registrar, a statement containing the following particulars, namely :—

(a) the name and address of the trustee and the mode of succession to the office of trustee relating to such *goshala* ;

(b) the details of the property of such *goshala* ;

(c) in the case of a *goshala* established before the commencement of this Act, the gross annual income of such *goshala* for three years immediately preceding the year in which the statement is submitted or in the case of a *goshala* established after the commencement of this Act, for the period which has elapsed since the establishment of such *goshala* ;

(d) sources of such income ;

(e) the amount of the annual expenditure of such *goshala* for the period referred to in clause (c) ; and

(f) any other particulars that may be prescribed.

(2) Such statement shall be accompanied by a copy of the deed or instrument establishing the *goshala* or such extract thereof as in the opinion of the Registrar sufficiently shows the origin, natue and object of such *goshala* or, is no such deed or instrument has been executed or if a copy thereof cannot be obtained, such statement shall contain full particulars of the origin, nature and object of the *goshala* so far as they are known to the trustee.

(3) The statement shall be signed by every trustee or by his agent specially authorised in this behalf.

(4) Every person signing the statement shall verify it in the prescribed manner.

(5) The Registrar may, for sufficient reasons, extend the period for furnishing such statement.

6. *Register of goshalas.*—The Registrar shall maintain a register (hereafter called the register of *goshalas*) in such form and containing such particulars as may be prescribed and copies thereof shall be forwarded to the Director and to the Federation.

7. *Power of Registrar to hold inquiry* —(1) The Registrar may, at any time, either of his own motion or on the application of the Director or any person claiming to have an interest in a *goshala*, hold an inquiry to ascertain—

(a) if the *goshala* is a *goshala* to which this Act applies ;
(b) the details of the property appertaining to such *goshala* ;
(c) the name and address of the trustee of such *goshala* ;
(d) the mode of succession to the office of the trustee of such *goshala*;
(e) the income and expenditure of such *goshala* ; and
(f) the sources of income of such *goshala*.

(2) In every inquiry under this section, the Registrar shall cause notice of such inquiry to be served on the Director and to the trustee of the *goshala* and permit them to appear through agents.

(3) On the conclusion of the inquiry, the Registrar may pass such order as he may deem fit as to matters to which the inquiry related.

8. *Amendment of entries in register of goshalas.*—(1) Whenever any change occurs in any of the particulars relating to any *goshala* recorded in the register of *goshalas*, the trustee of such *goshala* shall, within three months of the occurrence of such change, report the fact to the Registrar. Such report shall be signed by every trustee or by his agent specially authorised in this behalf Every person signing the report shall verify it in the prescribed manner

(2) The Registrar may, after such inquiry as he may deem fit, amend the register if he considers it necessary. In that case, he shall forward copies of the amended entry of the register to the Director and to the Federation.

9. *Fixation of area of goshala and payment by the traders of the area of certain moneys to the goshala.*—(1) The Director shall fix the area within which a *goshala* shall function and it shall be the duty of all traders of that area to pay at the end of each financial year to the trustee of the *goshala* functioning in that area all the moneys that they may have realised from their customers in the name of the *goshala* and fifty *per centum* of the moneys that they may have realised in the name of any other charitable objects like *dharmadan, punyakhata, kutauti* and *lag*.

(2) The Registrar may, on the application of a trustee, call, for the account book of a trader to ascertain whether such trader has paid the moneys payable by him to the trustee of the *goshala* under sub-section (1), but no inspection of such account book by any other person shall be allowed.

(3) No person shall collect any money or accept any subscription for a *goshala* which is not registered under this Act.

10. *Fees to be paid by trustee of every goshala* —(1) For the purpose of defraying the expenses incurred in the administration of this Act, the trustee of every *goshala* shall, in each financial year, pay to the Registrar such fee, not exceeding five *per centum* of his gross income in the last preceding financial year, as the Registrar may, from time to time, in consultation with the Federation and with the previous sanction of the State Government, determine.

(2) Such fee shall be payable in the prescribed manner on such date

or dates as may, from time to time, be fixed by the Registrar.

11. *Decision on disputes regarding sums payable under sub-section (1) of section 9 or section 10 and the manner of recovery of those sums*.—(1) If there be any dispute regarding any sum payable under sub-section (1) of section 9 or section 10, the matter may be referred to the Registrar for orders. From an order passed by the Registrar under this sub-section an appeal shall lie to the District Magistrate of the district within which the *goshala* concerned is situated. No appeal shall lie from an order passed in appeal under this sub-section.

(2) Any sum payable by a trader or a trustee under this section, as the case may be, shall be recoverable as a public demand payable to the Registrar.

12. *Maintenance of accounts and their audit*.—(1) The accounts of every *goshala* which has been registered under section 6 shall be balanced each year on the thirty-first day of March. The accounts shall be audited annually by a person appointed by the State Government in this behalf and the auditor shall furnish copies of his audit note to the trustee of the *goshala* and to the Registrar within four months of the thirty-first day of March or within such further time as the Registrar may for sufficient reasons grant.

(2) Every auditor acting under sub-section (1) shall have access to the accounts and to all books, vouchers and other documents and records in the possession or under the control of the trustee.

(3) Within six months of the thirty-first day of March of the year for which the accounts are balanced, or within such further time as the Registrar may for sufficient reasons grant, the trustee of every *goshala* shall furnish to the Registrar a statemrnt of the accounts in such form and containing such particulars as may be prescribed.

13 *Inspection of* goshala *after reasonable notice*.—The Director or any person authorised by him in this behalf may enter into and inspect any *goshala* or any place appertaining to such *goshala* for the purpose of satisfying himself whether the provisions of this Act and rules or regulations made thereunder are duly complied with.

14. Goshala *fund, its application and audit*.—(1) There shall be formed a fund to be called the *goshala* fund and there shall be placed to the credit thereof—

(a) all sums received by the Registrar as fees under section 10 and donations and grants for the manag-ment and control of *goshala*; and

(b) all sums received or recovered as fines under the provisions of this Act.

(2) The *goshala* fund shall be vested in the Registrar and the balance standing to the credit of the fund shall be kept in such custody as the State Government may, from time to time, direct.

(3) The *goshala* fund shall be applicable to the following objects and in the following order, namely :—

(a) to the payment of the salaries and allowances of the Registrar and persons employed in his establishment and cost of auditing of the accounts of *goshalas* under section 12; and

(b) to the payment of any other expense incurred by the Registrar for carrying out the provisions of this Act.

(4) The State Government shall every year appoint an auditor to audit the accounts of the *goshala* fund and fix his remuneration which shall be paid from the said fund. The auditor shall submit his report to

the Registrar and forward a copy of it to the State Government which may issue such directions thereon as it may deem fit and the Registrar shall carry out such directions.

15. *Penalties.*—If the trustee of a *goshala* fails or neglects to submit to the Registrar a statement as required under section 5 or report any change in the particulars of the *goshala* as required under section 8 or submits a statement or reports any change in the particulars, as the case may be, which he knows or has reason to believe to be false in any material particulars, such trustee shall, on conviction, be punishable with fine not exceeding fifty rupees.

(2) If the trustee of a *goshala* fails or neglects to keep accounts or to furnish a statement of accounts as required under section 12, or furnishes a statement which he knows or has reason to believe to be false in any material particulars, such trustee shall, on conviction, be punishable with fine not exceeding five hundred rupees.

(3) If any trader fails to comply with the provisions contained in section 9 within a period of two months from the date fixed by the Registrar under sub-section (2) of section 10 he shall, on conviction, be punishable with fine not exceeding five hundred rupees.

(4) If any person contravenes any other provision of this Act or any rule or regulation made thereunder or fails to comply with any order made in pursuance of such provision, rule or regulation, he shall, if no other penalty is provided elsewhere in this Act for such contravention on conviction be punishable with fine which may extend to one hundred rupees.

(5) Any Court may, while passing an order of conviction and sentence under sub-section (1), (2), (3) or (4), specify a period within which the person convicted shall comply with the provisions of the Act, or the rules or regulations made thereunder which may be found to have been contravened by him and may also impose a fine not exceeding twenty rupees for every day for the period during which the default continues after the expiry of the period so specified:

Provided that if such person satisfies the Court that there was good reason for his failure to comply with the order of the Court within the period so specified, the Court may, if it thinks fit, extend the period and may remit the whole or any part of the fine.

16. *Cognizance of offences.*—(1) No prosecution under this Act shall be instituted except on the complaint of the Registrar.

(2) No Court inferior to that of a Magistrate of the second class shall try any offence under this Act.

17. *Power to make regulations.*—(1) The Director may, with the previous sanction of the State Government, make regulations for the following matters, namely :—

(a) the manner in which a *goshala* shall be managed ;

(b) skilled technical management of breeding work ; and segregation of such work from other activities of the *goshala* and the transfer of such work from urban to rural areas ;

(c) transport of breeding bulls from a *goshala* to any other place for breeding purposes ;

(d) the medical treatment and inspection of cattle at *goshala* ;

(e) the setting aside of cattle, both male and female, for breeding purpose ; and

(f) any other matter which may be prescribed.

(2) Regulations made under this section shall be subject to the condition of previous publication.

18. *Power to make rules.*—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers the State Government may make rules for the following matters, namely :—

(a) the number of members of the Federation and the manner of electing such members under section 3 ;

(b) the particulars to be prescribed under clause (f) of sub-section (1) of section 5 and the manner of verifying the statement to be submitted under that sub-section ;

(c) the form of the register of *goshalas* and the particulars to be entered therein under section 6 ;

(d) the manner of verifying the report regarding any change in any of the particulars recorded in the register of *goshalas* under sub-section (1) of section 8 ;

(e) the manner in which fees shall be paid by the trustee to the Registrar under section 10 ;

(f) the form in which the accounts shall be kept by the trustee under sub-section (3) of section 12 and the particulars to be entered in such form ;

(g) any matter which may be prescribed to be made by regulations under section 17 ; and

(h) the manner in which the moneys held by the trustee of a *goshala* for the use or benefit of such *goshala* shall be invested or disposed of.

(3) Rules made under this section shall be subject to the condition of previous publication.

19. *Bar of application of the Charitable and Religious Trusts Act, 1920.*—The provisions of the Charitable and Religious Trusts Act, 1920 (XIV of 1920), shall not apply to any *goshala* registered under this Act.

The Indian Electricity (Bihar Amendment) Act, 1950.

The following Act of the Bihar Legislature has been assented to by the President on the 21st August, 1950 [Vide Notification No. Leg. R-401, of the Legislative Department, dated the 21st September 1950, published in the *Bihar Gazette*, Part IV, dated the 27th September 1950.]

Bihar Act XXIX of 1950

An Act to amed the Indian Electricity Act, 1910, in its application to the State of Bihar.

WHEREAS it is expedient to amend the Indian Electricity Act, 1910 (IX of 1910), in its application to the State of Bihar, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1 *Short title.*—This Act may be called the Indian Electricity (Bihar Amendment) Act, 1950.

2. *Amendment of the Indian Electricity Act, 1910, in its application to Bihar.*—The Indian Electricity Act, 1910 (IX of 1910) (hereinafter referred to as the said Act), shall, in its application to the State of Bihar, be amended in the manner hereinafter provided.

3. *Amendment of section 5 of Act IX of 1910.*—To clause (d) of section 5 of the said Act, the following proviso shall be added, namely :—

"Provided that where the undertaking vests in the State Government under the provisions of section 7A, for the purposes of valuation the time of such vesting shall be deemed to be the time of purchase ;"

4. *Amendment of section 7 of Act IX of 1910.*—To sub-section (2) of section 7 of the said Act, the following proviso shall be added namely :—

"Provided that where the undertaking vests in the State Government under the provisions of section 7A, for the purposes of valuation the time of such vesting shall be deemed to be the time of purchase."

5. *Insertion of new section 7A in Act IX of 1910.*—After section 7 of the said Act, the following section shall be inserted, namely :—

"7A. *State Government may take possession and control of undertaking before purchase is effected.*—(1) Notwithstanding anything contained in any law for the time being in force, the State Government may,—

(a) when it elects under clause (d) of section 5 to purchase an undertaking, or

(b) if it elects under sub-section (2) of section 7 to purchase an undertaking, on the expiry of the period of notice required to be given under sub-section (4) thereof,

pending the purchase of the undertaking, at any time by order require the licensee to deliver possession of such undertaking to such officer as the State Government may appoint in that behalf on or before such day as may be specified in the order, and the licensee shall comply with such order. On failure of the licensee to comply with such order, the State Government may forthwith enter into possession of such undertaking.

(2) On the date of compliance with the order or the day specified therein, whichever is earlier, the provisions of clause (e) of section 5 or sub-section (3) of section 7, as the case may be, shall, without prejudice to the right of the licensee to payment of the value of the undertaking, apply to such undertaking as if the purchase had been effected."

6. *Amendment of section 42 of Act IX of 1910.*—In section 42 of the said Act, clauses (a), (b) and (c) shall be relettered as clauses (b), (c) and (d) respectively and before clause (b), as so relettered, the following clause shall be inserted, namely :—

"(a) fails to comply with a requisition under section 7A ; or"

7. *Possession taken before the coming into force of this Act deemed to be possession taken under new section 7A.*—Where the State Government has before the coming into force of this Act taken possession of any undertaking pending the purchase thereof by it under the said Act, such possession shall be deemed to have been taken in pursuance of an order issued under section 7A of the said Act.

The Bihar Tenancy (Amendment) Act, 1950

The following Act of the State Legislature has been assented to by the Governor on the 18th November 1950, Vide Notification No. L. G. 1-014/50 Leg., of the Legislative Department, dated the 27th November 1950, published in the *Bihar Gazette*, Part IV, dated the 6th December 1950.]

Bihar Act XLI of 1950

An Act to amend the Bihar Tenancy Act, 1885.

WHEREAS it is expedient to amend the Bihar Tenancy Act, 1885 (VIII of 1885), in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Tenancy (Amendment) Act, 1950.

2. *Amendment of section 23A of Act VIII of 1885.*—To clause (a) of section 23A of the Bihar Tenancy Act, 1885 (VIII of 1885), the following proviso shall be added, namely :—

"Provided that if there is any specific entry in the latest record-of-rights regarding any tree or bamboo which was standing on any such land before the date of the final publication of such record-of-rights to the effect that any right in such tree or bamboo belongs to any person, other than the proprietor of the state comprising such land or the tenure-holder of such land, the right of the *raiyat* in such tree or bamboo specified in sub-clauses (ii) and (iii) shall be exercised in accordance with, and subject to, any such entry." and ;

(b) the proviso shall be omitted.

The Bihar Legislature (Prohibition of Simultaneous Membership) Act, 1950.

The following Act of the Bihar Legislature has been assented by the Governor on the 21st November, 1950 [Vide Notification No. Leg.-1-013/50 Leg.-2186, of the Legislative Department, dated the 2nd December 1950, published in the *Bihar Gazette*, Part IV, dated the 6th December 1950]

Bihar Act XLII of 1950.

An Act to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Bihar of his seat in one House or the other.

WHEREAS it is expedient to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Bihar of his seat in one House or the other;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the the Bihar Legislature (Prohibition of Simultaneous Membership) Act, 1950.

(2) It shall come into force at once.

2. *Notice by person chosen as member of both Houses of Legislature of his choice.*—(1) Any person who is chosen a member of both Houses of the Legislature of the State of Bihar, may, by notice in writing, signed by him and delivered to the Secretaries of both the Houses or to any person authorised in this behalf by the Governor, within ten days from the date of publication in the Official Gazette of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the later of such dates, intimate in which of the Houses he wishes to serve. Any choice so intimated shall be conclusive and the seat of such person in the House, other than the House in which he intimates that he wishes to serve, shall thereupon become vacant.

(2) If any such person does not deliver the notices required to be delivered by sub-section (1), his seat in the Bihar Legislative Assembly shall become vacant.

3. *Effect of election of member of one House to the other House.*—(1) If a person who is already a member of the Bihar Legislative Assembly is chosen a member of the Bihar Legislative Council, his seat in the Bihar Legislative Assembly shall, on the publication in the Official Gazette of the declaration that he has been so chosen, become vacant.

(2) If a person who is already a member of the Bihar Legislative Council is chosen a member of the Bihar Legislative Assembly, his seat in the Bihar Legislative Council shall, on the publication in the Official Gazette of the declaration that he has been so chosen, become vacant.

The Sathi Lands (Restoration) Act, 1950.

The following Act of the Bihar Legislature has been assented to by the Governor on the 13th June 1950 [Vide Notification No. Legis-125/50-Leg. 1000, of the Legislative Department, dated the 14th October 1950, published in the *Bihar Gazette*, Extraordinary, dated the 14th October 1950]

Bihar Act XXXIV of 1950.

An Act to provide for the Restoration of certain lands (commonly known as Sathi lands) belonging to the Bettiah Wards Estate unlawfully settled in favour of certain individuals

WHEREAS certain lands (commonly known as Sathi lands) belonging to the Bettiah Wards Estate were settled in favour of certain individuals ;

WHEREAS such settlement is contrary to the provisions of the law ;

AND WHEREAS it is expedient to provide for the restoration of these lands to the Bettiah Wards Estate :

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Sathi Lands (Restoration) Act, 1950.

2 *Restoration of Sathi lands to the Bettiah Wards Estate.*—(1) Notwithstanding anything contained in any law for the time being in force, the settlement of the Sathi lands (described in the Schedule) on behalf of the Bettiah Wards Estate with Shri (Rai Bahadur) Ram Prasad Narayan Sahi and Shri Ram Rekha Prasad Narayan Sahi, sons of Shri Bhrigu Narayan Sahi of village Gabhirar, police-station Raghunathpur, District Saran (hereinafter referred to as the said lessees), sanctioned as per Bettiah Wards Estate Manager's order, dated the 18th November 1946, on record number 29 of 1946-47, is hereby declared to be null and void ; and no party to the settlement or his successor-in-interest shall be deemed to have acquired any right or incurred any liability thereunder.

(2) The said lessees and their successor-in-interest shall quit possession of the said land from the date of commencement of this Act and, if they fail to do so, the Collector of Champaran shall eject them and restore the lands to the possession of the Bettiah Wards Estate.

(3) The Bettiah Wards Estate shall, on restoration to it of the lands, pay to the said lessees the amount of *salami* money that the said lessees may have paid for the settlement of the lands and also any such substantial expenses as may have been incurred by the said lessees on the improvement of the said lands before the commencement of this Act.

3. *Power to make rules.*—The State Government may make rules to carry out the purposes of this Act.

SCHEDULE.

Mauza Rai Barwa, Tappa Sathi, Pargana Majhawa, Thana Shikarpur, Zilla Champaran, Mujmilll No. 491.

Description of land.

Khata no.	Plot no.	Area B.	K.	D.
2	864	1	15	2
	862	1	4	18
	750	4	11	3
	860	0	5	7
	859	0	1	6
	861	0	2	7
	863	0	1	19
	Total ...	8	2	2

(Measured by *laggi* of the length of 14 feet and 3 inches).

Khata no.	Plot no.	Area (Measured by *laggi* of the length of 14 feet and 3 inches). B.	K.	D.
3	761	3	1	7
	758	0	2	9
	759	0	5	12
	760	0	3	19
	Total ...	3	13	7
4	849	4	9	11
	852	0	19	17
	757	0	1	16
	755	0	0	6
	756	0	13	19
	753	0	15	10
	856	0	4	15
	852	0	1	8
	Total ...	7	7	2
10	1029	0	6	9
	1030	0	5	16
	865	0	0	17
	866	0	1	1
	779	1	1	11
	747	4	10	15
	858	0	7	4
	749	0	15	5
	841	0	0	19
	836	0	1	1
	835	0	0	15
	844	1	4	15
	1028	0	16	15
	850	0	1	1
	851	0	0	13
	885	0	3	13
	780	0	1	19
	Total ...	10	0	9
12	1031/2	15	19	15
	842/5	22	9	18
	843	5	11	1
	846	0	2	12
	848	22	1	1
	867	6	10	2
	868	0	5	9
	869	0	9	17
	854	0	13	15
	776	0	10	19
	778	6	14	18
	498	2	9	13
	746/3	11	4	12
	751	3	1	14
	832	1	7	4
	825/1 (Part)	3	16	6
	1055/1	3	7	5
	823/1	1	1	10
	831	0	13	7
	832	3	14	6
	Total ...	112	5	4

Khata no.	Plot no.	Area B.	K.	D.
179	855	0	1	14
	777	0	1	14
	847	0	3	17
	845	0	0	11
	762	0	2	18
	Total ...	0	10	14

(Measured by *laggi* of the length of 14 feet and 3 inches).

Mauza Somgarh, Tappa Bhabta, Pargana Majhawa, Thana Shikarpur, Zilla Champaran, Mujmilli No. 502.

Description of land.

Khata no.	Plot no.	Area. B.	K	D.
3	944/1999	0	1	14
	155/2000	0	4	14
	944/2003	0	0	15
	944/1997	0	3	12
	944/1998	0	1	6
	944	0	0	11
	Total ...	0	12	12
4	944/1996	0	4	14
	943/2002	0	0	8
	Total ...	0	5	2
5	944/1995	0	4	12
	943/2001	0	0	6
	Total ...	0	4	18
6	944/1	0	4	4

(Measured by *laggi* of the length of 14 feet and 3 inches).

Mauza Semari, Tappa Sathi, Pargana Majhawa, Thana Shikarpur, Zilla Champaran, Mujmilli No. 472.

Description of land.

Khata no.	Plot no.	Area B.	K.	D.
2	1132/1	0	10	15
	1138	0	1	12
	Total ...	0	12	7
4	1137	7	7	4
	1139	1	2	0
	Total ...	8	9	4

(Measured by *laggi* of the length of 14 feet and 3 inches).

Mauza Sathi, Tappa Satni, Pargana Majhawa, Thana Shikarpur, Zilla Champaran, Mujmilli No. 503.

Description land.

Khata no.	Plot no.	Area B.	K.	D.	(Measured by *laggi* of the length of 14 feet and 3 inches):
12	180	1	1	11	
4/1		0	2	3	
	Total ...	1	3	14	
69	1	3	15	2	
	3	2	3	19	
	5	0	16	15	
	Total ..	6	15	16	

Mauza Hichopal, Tappa Sathi, Pargana Majhawa, Thana Shikarpur, Zilla Champaran, Mujmilli No. 492.

Description of land.

Khata no.	Plot no.	Area B.	K.	D.	(Measured by *laggi* of the length of 14 feet and 3 inches).
4	614	0	0	15	
	621/1	0	0	17	
	Total ...	0	1	12	
6	592	11	13	12	
7	615	0	3	9	
	620	0	15	1	
	613	3	13	16	
	467/1	7	16	3	
	604	1	17	1	
	622	1	1	18	
	626	7	6	11	
	627	0	2	16	
	596/1 (Part)	0	18	5	
	610	4	3	1	
	Total ...	27	18	1	

The Sathi Lands (Restoration) Rules, 1950.[1]

No. 7897-R—1W-36/50-Camp-R.T.—In exercise of the powers conferred by section 3 of the Sathi Lands (Restoration) Act, 1950 (Bihar Act XXXIV of 1950), the Governor of Bihar is pleased to make the following rules, namely :

1. *Short title.*—These rules may be called the Sathi Lands (Restoration) Rules, 1950.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(a) "the Act" means the Sathi Lands (Restoration) Act, 1950 (Bihar Act XXXIV of 1950) ;

(b) "Collector" means the Collector of Champaran ;

(c) "lands" means the Sathi Lands ;

(d) "lessees" means Shri Ram Prasad Narayan Sahi and Shri Ram Rekha Prasad Narayan Sahi, sons of Shri Bhrigu Narayan Sahi of village Gabhirar, police-station Raghunathpur, district Saran and includes their successors-in-interest ;

1. Published in the Bihar Gazette, Extraordinary, dated the 14th October 1950.

(e) "Manager" means the Manager of the Bettiah Wards Estate ; and

(f) " substantial expenses on improvements of the lands" means expenses incurred for digging a well, excavating a tank or any other work done for irrigating the lands or increasing the fertility of the soil.

3. *Power of the Collector to issue order to lessees to quit possession of lands and to appoint officer to secure compliance with order.*—(1) If the lessees do not quit possession of the lands on the date of the commencement of the Act, the Collector shall, by order duly served on the lessees in the manner provided in sub-rule (3), direct that the lessees shall forthwith restore possession of the lands to the Manager.

(2) The Collector, while discharging any functions under sub-rule (1), shall have all the powers of a Civil Court for the purpose of executing a decree for the delivery of immovable property and the procedure to be followed by the Collector in delivering the possession of the lands to the Bettiah Wards Estate shall *mutatis mutandis* be the same as provided in the Code of Civil Procedure, 1908 (V of 1908) for executing a decree of a Civil Court for immovable property.

(3) It shall be the duty of the officer appointed to secure compliance with the Collector's order passed under sub-rule (1) to report forthwith to the Collector the date on, and the manner in, which the lands were restored to the possession of the Manager and the report of the said officer shall be deemed to be a conclusive evidence of the fact that the possession of the lands has been delivered to the Bettiah Wards Estate.

(4) Any order passed by the Collector under sub-rule (1) shall be served on the lessees by delivering or tendering a copy thereof signed by the Collector and sealed with the seal of his office to the lessees or their duly authorised agent or where the lessees or their agent refuse to sign the acknowledgment, or where the serving officer, after using all due and reasonable deligence, cannot find the lessees and there is no agent empowered to accept service of the notice on their behalf, the serving officer shall affix a copy of the order on some conspicuous part of the lands and cause public notice of the substance of the order to be given by beat of drums or otherwise at convenient places in the locality.

4. *Mode of payment of* salami *and expenses incurred by the lessees for substantial improvement of the lands.* -(a) Immediately after the lands have been restored to the possession of the Bettiah Wards Estate, the Manager shall deposit with the Collector the amount of *salami*, paid by the lessees to the Estate at the time of taking settlement of the lands and the Collector shall arrange to pay to the lessees the amount deposited in accordance with such procedure as to the Collector appears to be just and proper.

(b) Within fifteen days from the commencement of the Act, the lessees shall submit to the Manager a statement of the substantial expenses on improvements of the lands incurred by them, and the Manager, if satisfied with the correctness of the statement of the aforesaid expenses, shall deposit the amount of such expenses with the Collector, who shall arrange to pay the amount to the lessees in accordance with such procedure as to the Collector appears to be just and proper. Where there is a difference of opinion between the Manager and the lessees with regard to the amount of the substantial expenses on improvements of the lands, the Manager shall refer the matter to the Collector who, after hearing both the Manager and the lessees, shall determine the amount of such expenses to be payable by the Bettiah Wards Estate and the decision of the Collector shall be final.

———

The Bihar Appropriation (No. 2) Act, 1950.

The following Act of the State Legislature has been assented to by the Governor on the 13th October, 1950 [Vide Notification No. Lg. 1-043/50-Leg.2009, of the Legislative Department, dated the 2nd November 1950 published in the *Bihar Gazette*, Extraordinary, dated the 4th November 1950.]

Bihar Act XXXV of 1950.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Conslidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1951 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Appropriation (No. 2) Act, 1950.

2. *Issue of Rs. 1, 19,05,630, out of the Consolidated Fund of the State of Bihar for the year ending 31st March, 1951.*—From and out of the Consolidated Fund of the State of Bihar, there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of one crore, nineteen lakhs, five thousand and six hundred and thirty rupees, towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 3 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for and in respect of the services and purposes specified in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

THE SCHEDULE

(*See* Sections 2 and 3)

* * *

[For the Schedule, *see* Bihar Gazette, Extraordinary, dated the 4th November 1950, *Editor*.]

The Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951.

The following Act of the Bihar Legislature has been assented to by the Governor on the 24th February, 1951 [Vide Notification No. Lg. 1-037/51-Leg. 392, of the Legislative Department, dated the 24th February 1951, published in the *Bihar Gazette*, Extraordinary, dated the 24th February 1951].

Bihar Act II of 1951.

An Act to provide for emergency cultivation and irrigation of certain lands in the State of Bihar during the present food crisis.

WHEREAS it is expedient to provide for emergency cultivation and irrigation of certain lands in the State of Bihar during the present food crisis;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title and extent.*—(1) This Act may be called the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951.

(2) It shall apply to the whole of the State of Bihar.

(3) It shall remain in force up to the 30th June, 1951.

(4) The expiration of this Act shall not affect anything done or omitted to be done before such expiration, and section 8 of the Bihar and Orissa General Clauses Act, 1917 (B. & O. Act I of 1917), shall apply upon the expiry of this Act as if it had been repealed by a Bihar Act.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Collector" means the Collector of the district or any officer appointed by the State Government to discharge any of the functions of the Collector under this Act;

(b) "emergency tenant" means a person with whom the Collector has settled any land under sub-section (1) of section 3;

(c) "irrigation work" means any means or work constructed, altered or maintained artificially for the purpose of securing the supply, removal or storage of water for irrigation purposes, and includes –

(i) any part of any such means or work;

(ii) any water-course, channel or reservoir for the supply, removal or storage of water for irrigation purposes;

(iii) any work, embankment, structure or supply or escape channel connected with any such water-course, channel or reservoir;

(iv) a head-work, dam, weir, outlet and sluice; and

(v) a well or tank which is or may be used for irrigation purposes;

but does not include any such means or work which has been brought under the control of the State Government under the provisions of any other law for the time being in force; and

(d) "occupier" means a person in actual possession of any land immediately before the commencement of this Act.

CHAPTER II.

ARRANGEMENTS BY COLLECTOR FOR CULTIVATION OF FALLOW LAND.

3. *Power of Collector to settle culturable land lying fallow for the purpose of cultivating food crops.*—(1) If the Collector is satisfied, on such inquiry as he thinks fit, that any culturable land was lying fallow continuously for a period of one year ending with the 30th *Kartik*, 1358 *Fasli*, on account of the inability or negligence of the occupier to cultivate the same, the Collector may settle the land, for the purpose of cultivation with a person, who has, in his opinion, the means to cultivate it and is willing to do so.

(2) The settlement shall be made under a written lease in such form as may be prescribed by the State Government. The lease shall be kept in the office of the Collector and copies thereof shall be made over to the occupier and to the emergency tenant.

(3) Such settlement shall remain operative up to the 30th *Jeth*, 1358 *Fasli*.

(4) The emergency tenant shall not sell, mortgage, lease or otherwise transfer any interest in such land or any portion thereof.

(5) The interest of the emergency tenant in such land (including the crops grown thereon) shall not be liable to be attached or sold in execution of a decree or order of a Court:

Provided that this restriction shall not apply to the execution of a

decree or a certificate under [the Bihar and Orissa Public Demands Recovery Act, 1914 (B. & O. Act IV of 1914), for arrears of rent obtained in respect of the same land which is sought to be attached or sold.

4. *Payment of rent by emergency tenant.*—(1) The Collector shall fix the rate of rent payable by an emergency tenant to the occupier of the land :

Provided that the rate of rent fixed by the Collector shall not exceed the rate of rent payable for similar lands in the vicinity.

(2) The rent payable under sub-section (1) shall fall due on the 30th *Jeth*, 1358 *Fasli*.

5. *Ejectment of emergency tenant.*—An emergency tenant shall be liable to ejectment from the land to which he was admitted to occupation under section 3 on one or more of the following grounds and not otherwise, namely :—

(a) on the ground that he has failed to pay to the occupier an arrear of rent due in respect of the land ;

(b) on the ground that he has made no reasonable efforts to cultivate the land within a period of one month from the date of settlement made by the Collector under section 3, and

(c) on the ground that the period for which settlement was made by the Collector has expired.

6. *Restoration of land to the occupier.*—When the emergency tenant has made himself liable for ejectment on any of the grounds specified in section 5, the emergency tenant or, if he be dead, his legal representative, shall quit possession of the land and, if he fails to do so, the Collector shall eject him and restore the land to the possession of the occupier or, if the occupier be dead, to the possession of his legal representative, and the Collector may use such force as may reasonably be necessary for effecting the ejectment.

7. *Right of landlord to realise rent.*—Nothing in this Chapter shall affect the right of the landlord, if any, of the occupier to realise from the occupier rent of the land for the period during which it remains in possession of the emergency tenant.

CHAPTER III

EMERGENCY SUPPLY AND DISTRIBUTION OF WATER FROM IRRIGATION WORK.

8. *Power of Collector to order land likely to be benefited by irrigation to be irrigated.*—(1) Notwithstanding any entry in the record-of-rights or anything contained in any law for the time being in force, if the Collector is satisfied, after such inquiry as he thinks fit, that a certain land is likely to be benefited by any irrigation work, the Collector may make an order that such land shall be irrigated by such work :

Provided that the Collector shall not make an order under this sub-section, if it would adversely affect the lands which were benefited by the irrigation work before the commencement of this Act

(2) In making an order under sub-section (1) the Collector may impose any conditions in regard to the supply and distribution of water from the irrigation work and shall assess such amount as may, in the opinion of the Collector, be fair and equitable to be paid by the persons whose lands will be irrigated from such work to the owner of the irrigation work and to the person or persons who maintain the work in an efficient state.

CHAPTER IV

MISCELLANEOUS

9. *Appeals.*—(1) An appeal shall lie from an order made under Chapter II or Chapter III,—

(i) by an officer other than the Collector of a district, to the Collector of the district or to any officer specially empowered by the State Government by notification to hear such appeals ;

(ii) by the Collector of a district, to the Commissioner ;

and the decision of the Collector of the district or of any officer so empowered or of the Commissioner on any such appeal shall be final.

(2) The Collector of the district may, at any time, transfer any appeal already filed before him to any officer specially empowered under clause (i) of sub-section (1) to hear such appeals, or withdraw any appeal pending before any officer so empowered, and either hear such appeal himself or transfer it for disposal to any other officer so empowered.

(3) Appeals under this section shall be heard and disposed of in accordance with the procedure prescribed by rules made in this behalf.

(4) An appeal under this section shall be filed within thirty days of the date of the order appealed against.

10. *Recovery of rent as a public demand.*—The rent payable under sub-section (1) of section 4 or the amount payable under sub-section (2) of section 8 shall be recoverable as a public demand.

11. *Penalty.*—Whoever obstructs an emergency tenant from cultivating the land settled with him under sub-section (1) of section 3, or obstructs the irrigation of any land against an order made under sub-section (1) of section 8, shall, on conviction, be punishable with rigorous imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both.

12. *Right in immovable property not to be taken away or altered.* Nothing done and no order made under this Act shall be deemed to confer any right of occupancy in any land or to confer or take away or alter any other right in immovable property.

13. *Bar of suits.*—No suit shall lie in any Civil Court regarding any proceedings under this Act.

14. *Indemnity.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

15. *Collector to have the power of a Civil Court.*—The Collector shall have the same power regarding the summoning and attendance of witnesses and compelling the production of documents as a Civil Court has under the Code of Civil Procedure, 1908 (V of 1908).

16. *Power to make rules.*—The State Government may make rules for carrying out the purposes of this Act.

17. *Act to override other enactments.*—The provisions of this Act shall have effect, notwithstanding anything contained to the contrary in any law for the time being in force

18. *Repeal and saving*—(1) The Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Ordinance, 1950 (Bihar Ordinance no. V of 1950), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action taken.

The Bihar Public Irrigation and Drainage Works (Amendment) Act, 1951.

The following Act of the Bihar Legislature has been assented to by

the Governor on the 24th February, 1951 [Vide Notification No. Lg.-1-059/51 Leg. 390, of the Legislative Department, dated the 24th February 1951, published in the *Bihar Gazette*, Extraordinary, dated the 24th February 1951.]

Bihar Act III of 1951.

An Act to amend the Bihar Public Irrigation and Drainage Works Act, 1947.

WHEREAS it is expedient to amend the Bihar Public Irrigation and Drainage Works Act, 1947 (Bihar Act X of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—(1) This Act may be called the Bihar Public Irrigation and Drainage Works (Amendment) Act, 1951.

(2) It shall remain in force for a period of two years :

Provided that the expiration of this Act shall not affect the previous operation of, or anything done or suffered under, this Act and section 8 of the Bihar and Orissa General Clauses Act, 1947 (Bihar Act I of 1947) shall apply upon the expiry of this Act as if it had been repealed by a Bihar Act.

2. *Amendment of section 2 of Bihar Act X of 1947.*—At the end of clause (i) of section 2 of the Bihar Public Irrigation and Drainage Works Act, 1947 (Bihar Act X of 1947) (hereinafter referred to as the said Act), the words, figure and letter "or under section 5A" shall be inserted.

3. *Insertion of new section 5-A in Bihar Act X of 1947.*—After section 5 of the said Act, the following section shall be inserted, namely :—

"5-A. *Power of State Government to direct execution of work in case of urgency.*—Notwithstanding anything contained in sections 3, 4 and 5, the State Government may, in cases of urgency, at any time after the publication of the description of the proposed work under sub-section (1) of section 3, direct that the proposed work shall be executed with such modifications, if any, as the State Government may specify and it shall thereupon cause a detailed plan and estimate of costs of such work to be prepared.

4. *Amendment of section 6 of Bihar Act X of 1947.*—In section 6 of the said Act, after the word and figure "section 5", the words, figure and letter "or section 5-A" shall be inserted.

5. *Amendment of section 11 of Bihar Act X of 1947.*—At the end of section 11 of the said Act, the words, figure and letter "or, in case any order has been issued under section 5-A, the date on which the description of the proposed work is published under the said sub-section" shall be inserted.

6. *Amendment of sections 12, 13 and 18 of Bihar Act X of 1947.*—In clause (b) of sub-section (2) of section 12, clauses (a) and (b) of sub-section (3) of section 13 and sub-section (1) of section 18 of the said Act, after the word and figure "section 5", the words, figure and letter "or section 5-A" shall be inserted.

7. *Repeal and saving.*—(1) The Bihar Public Irrigation and Drainage Works (Amendment) Ordinance, 1951 (Bihar Ordinance No. I of 1951), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

— — —

The Bihar Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1950.

The following Act of the Bihar Legislature has been assented to by the President on the 15th February 1951 [Vide Notification No. Lg.-1-075/51-Leg.-497, of the Legislative Department, dated the 9th March 1951, published in the *Bihar Gazette*, Part IV, dated the 14th March 1951.]

Bihar Act V of 1951

An Act to amend the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947.

WHEREAS it is expedient to amend the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947 (Bihar Act III of 1947), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1950.

2. *Amendment of section 2 of Bihar Act III of 1947.* In section 2 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947 (Bihar Act III of 1947) (hereinafter referred to as the said Act),—

(i) clause (a) shall be relettered as clause (aa), and before the said clause as so relettered, the following clause shall be inserted, namely :—

"(a) "an appellate authority" means in respect of any local areas comprised within the limits of the Saharsa sub-district in the district of Bhagalpur, the Dhanbad subdivision in the district of Manbhum, and the Singhbhum subdivision in the district of Singhbhum, the Additional District Magistrate of Saharsa, the Additional Deputy Commissioner of Dhanbad and the Additional Deputy Commissioner of Singhbhum, respectively, and in respect of any other areas, the Collector of the district in which such areas are situated ;" and

(ii) for clause (b), the following clause shall be substituted, namely:—

"(b) "Controller" means in respect of any local areas comprised within the limits of a subdivision, the Subdivisional Officer in charge of the subdivision, and includes any other officer appointed in this behalf by the State Government to perform the functions of a Controller under this Act."

3. *Amendment of section 5 of Bihar Act III of 1947.*—In section 5 of the said Act,

(a) in sub-section (1), for the words "by the tenant", the words "by the landlord or by the tenant" shall be substituted, and for the word "excessive", the words "low or excessive" shall be substituted ; and

(b) in sub-section (2), for the word "excessive", the words "low or excessive" shall be substituted.

4. *Amendment of section 8 of Bihar Act III of 1947.*—To sub-section (1) of section 8 of the said Act, the following proviso and *Explanation* shall be added, namely :—

"Provided that where the Controller is satisfied, on an application made to him by the landlord under section 5, that the rent of a building is low; the Controller shall in determining the fair rent of such building to be payable by a tenant fix the rent of the building at a figure which shall not be less than the average monthly rent actually paid for the same or similar accommodation by any tenant over the period of twelve months preceding the first day of November, 1941, increased by not more than 25 *per cent* of the average monthly rent so received by the landlord during

the aforesaid period in addition to the enhancement, if any, on account of the increased cost of repairs or the general increase in the cost of sites and building construction, where such enhancement is admissible under the foregoing provision of this sub-section.

Explanation.—For the purposes of this Act, where rent was charged by the landlord or actually paid by the tenant for the same building over the aforesaid period on any basis other than a monthly basis, the average monthly rent for such building shall be calculated as thirty times the average rent per day of the period in respect of which the rent was charged or actually paid."

5. *Amendment of section 11 of Bihar Act III of 1947.*—In section 11 of the said Act,—

(a) in sub section (1), for the existing proviso, the following proviso shall be substituted, namely : –

"Provided that where a servant of the Government in possession of any building as a tenant vacates such building in consequence of his transfer to a station other than the station in which the building is situate, he shall within twenty-four hours of such vacation submit a report about such vacation to the District Magistrate who shall, within a period of fifteen days from the date of the vacation, either allot the building to the successor-in-office of the servant of the Government vacating it or to any other servant of the Government whom the District Magistrate thinks suitable, subject to the payment of rent, and the observance of the conditions of the tenancy by such servant of the Government, or direct that the landlord shall be put in possession of the building. "

(b) in sub-section (3), for the existing proviso to clause (b), the following proviso shall be substituted, namely :—

"Provided that where the Controller has passed an order directing the tenant to put the landlord in possession of the building, the Controller shall give the tenant a reasonable time which shall be not less than two months and not more than three months for putting the landlord in possession of the building."

6. *Insertion of new section 16A in Bihar Act III of 1947.*—After section 16 of the said Act the following section shall be inserted, namely:—

"16A. *Reference of disputes to Board of Arbitrators.*—(1) Where in any dispute arising under this Act, the parties interested agree that any matter in dispute between them shall be referred to arbitration, they may, at any time before final orders are passed by the Controller, apply in writing to the Controller to refer the matter to a Board of Arbitrators consisting of a Chairman, to be nominated by the Controller, and two other members, one to be nominated by each party.

(2) On receiving such application, the Controller shall, by order in writing, refer to the Board the matter in dispute which it is required to decide and shall specify in the order the time, not exceeding sixty days from the date of such reference, within which the Board shall submit its decision

(3) The Board to which the dispute is referred under sub-section (1) shall, after giving such notice to the parties and in such manner as it thinks fit, endeavour to bring about an amicable settlement of the dispute, and, where such settlement is brought about, the Board shall record the same and give its decision accordingly.

(4) Where the Board does not succeed in bringing about an amicable settlement of the dispute, it shall make an inquiry into the same, receive such evidence as it considers necessary, inspect the building and record its

findings and submit the same to the Controller.

(5) In the event of the members of the Board disagreeing, the decision of the majority shall prevail :

Provided that nothing in this sub-section shall be deemed to prevent any member of the Board to have on record his minute of dissent against such decision.

(6) The decision of the Board shall be in writing and shall be signed by all the members of the Board :

Provided that the failure on the part of a member of the Board to sign the decision shall not affect the validity of the decision.

(7) The Board shall submit its decision to the Controller who shall pass final orders in the dispute in accordance with the decision of the Board.

(8) The Controller may extend the time fixed under sub-section (2) for the submission of the decision of the Board, subject to the maximum limit of time laid down therein. and if the Board fails to submit its decision to the Controller within such time or such extended time, the Controller shall have the power to withdraw the reference and decide the matter in dispute himself."

7. *Amendment of section 17 of Bihar Act III of 1947.*—In section 17 of the said Act,—

(a) after the words "Every order of the Controller passed under this Act", the words and figures "where no appeal against such order has been preferred under section 18" shall be inserted ; and

(b) for the words and figures "and every order of the Commissioner passed on appeal under section 18" the words, figures and letter "every order of the appellate authority on appeal under section 18 and every order of the Commissioner passed in revision under section 18B" shall be substituted.

8. *Amendment of section 18 of Bihar Act III of 1947.*—In section 18 of the said Act—

(a) for the words "the Commissioner" and "the Commissioner of the Division", wherever they occur, the words "the appellate authority" shall be substituted ;

(b) to sub-section (1), the following proviso shall be added, namely: –

"Provided that no appeal shall lie against any order passed by the Controller under sub-section (7) of section 16A." ;

(c) for sub-section (2). the following sub section shall be substituted, namely :—

(2) On such appeal being preferred, the appellate authority may -

(a) after perusing the memorandum of appeal and hearing the appellant, if necessary, summarily dismiss the appeal ; or

(b) call for the records of the case from the Controller and after examining such records and, if necessary, making such further inquiry as he thinks fit either uphold the order of the Controller or reject it :

Provided that where all the parties to the appeal agree, the appellate authority shall refer any matter in dispute between the parties to a Board of Arbitrators consisting of a Chairman to be nominated by the appellate authority and two other members one to be nominated by each party and the provisions of sub-sections (2) to (8) of section 16A shall *mutatis mutandis* apply to such reference ; and

(d) in sub-section (3)—

(i) for the words "The decision of the", the words, figures and letter

"Subject to the provisions of section 18B, the decision of the" shall be substituted ; and

(ii) after the words "such decision" the words "where an appeal lies" shall be inserted.

9. *Insertion of new section 18A in Bihar Act III of 1947.* - After section 18 of the said Act, the following sections shall be inserted, namely :—

"18A. *Award of costs.*—In every order passed by the Controller under this Act and every order of the appellate authority or the Commissioner passed on appeal under section 18 or in revision under section 18B, as the case may be, the authority passing such order may, if it thinks fit, award costs to the person in whose favour the order is passed and the costs so awarded shall include such sum as compensation for the expense, trouble and loss of time incurred in, or incidental to, the hearing of the case, as to the authority may seem just and reasonable.

18B. *Power of revision of Commissioner.*—Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Commissioner may, either of his own motion or on application made to him in this behalf, revise any order passed by the Controller or by the appellate authority on appeal under this Act, other than an order passed by the Controller or the appellate authority under sub-section (7) of section 16A."

10. *Amendment of section 21 of Bihar Act III of 1947.*—In section 21 of the said Act—

(a) for the words ' any decision of the Commissioner on appeal" the words "any decision of the appellate authority on appeal or any order of the Commissioner in revision" shall be substituted ;

(b) for the words "certified by the Controller or the Commissioner", the words "certified by the Controller, the appellate authority or the Commissioner" shall be substituted ; and

(c) for the words "or the decision of the Commissioner on appeal", the words "the decision of the appellate authority on appeal or the order of the Commissioner in revision" shall be substituted.

11. *Insertion of new section 23A in Bihar Act III of 1947.*—After section 23 of the said Act, the following section shall be inserted, namely :—

"23A. *Act not to apply to buildings owned by Government.*—Nothing contained in this Act shall apply to a tenant whose landlord is the State or the Central Government.

12. *Amendment of section 24 of Bihar Act III of 1947.* - In sub-section (2) of section 24 of the said Act, after clause (c), the following clause shall be added, namely :—

"(d) the manner of exercising the powers of revision by the Commissioner under section 18B."

13. *Disposal of pending proceedings.*—All proceedings which immediately before the commencement of this Act are pending before the Controller or the Commissioner under the provisions of the said Act shall, on such commencement, stand transferred to the Controller or, as the case may be, to the appellate authority within the meaning of clause (b) or clause (a) of section 2 of the said Act as amended by this Act and shall be continued as if they had been proceedings originally instituted before such Controller or appellate authority :

Provided that where any proceeding is pending before the Commissioner being on appeal against any order passed by the Controller as the Collector of the district, such proceeding shall be transferred to an appellate authority specially appointed by the State Government, by notification, in this behalf to dispose of such appeal.

The Bihar Maintenance of Public Order (Amendment) Act, 1951.

The following Act of the Bihar Legislature has been assented to by the President on the 13th May 1951 [Vide Notification No. LG.-1-017/51-Leg.-1194, of the Legislative Department, dated the 4th June 1951, published in the *Bihar Gazette*, Extraordinary, dated the 6th June 1951.]

Bihar Act XX of 1951

An Act to amend the Bihar Maintenance of Public Order Act, 1949.

WHEREAS it is expedient to amend the Bihar Maintenance of Public Order Act, 1949 (Bihar Act III of 1950), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Maintenance of Public Order (Amendment) Act, 1951.

2. *Amendment of the long title and the preamble of Bihar Act III of 1950.*—In the long title of, and the preamble to, the Bihar Maintenance of Public Order Act, 1949 (Bihar Act III of 1950) (hereinafter referred to as the said Act),

(i) for the word "detention", the word "restrictions" shall be substituted ; and

(ii) for the words "the public safety and maintenance of order", the words "the security of the State and maintenance of public order" shall be substituted.

3. *Amendment of section 2 of Bihar Act III of 1950.*—In section 2 of the said Act,—

(i) in sub-section (1)—

(a) the words "the public safety and" and clause (a) shall be omitted; and

(b) clauses (b), (c), (d), (e), (f) and (g) shall be re-lettered as clauses (a), (b), (c), (d), (e) and (f), respectively ;

(ii) sub-section (2) shall be omitted ;

(iii) sub-sections (3) and (4) shall be re-numbered as sub-sections (2) and (3), respectively and in sub section (3) as so re-numbered, the words, figure and brackets "without prejudice to the provisions of sub-section (6)" shall be omitted ;

(iv) sub-sections (5) and (6) shall be omitted ;

(v) sub-section (7) shall be renumbered as sub-section (4) and in the said sub-section as so re-numbered, the words, letter, figure and brackets "other than an order of the nature referred to in clause (b) of sub-section (6)" shall be omitted ; and for the word, figure and brackets "sub-section (3)" the word, figure and brackets ' sub-section (2)" shall be substituted ;

(vi) sub-sections (8), (9), (10), (11), 12), (13), (14), (15) and (16) shall be re-numbered as sub-sections (5), (6), (7), (8), (9), (10), (11), (12). and (13), respectively ;

(vii) in sub-section (11) as so re-numbered, for the word, figure and brackets "sub-section (7)" the word, figure and brackets "sub section (4)" shall be substituted ; and

(viii) in sub-section (13) as so re-numbered, for the words, figures and brackets "sub-sections (9) and (11)", the words, figures and brackets "sub-sections (6) and (8)" shall be substituted.

4. *Amendment of section 3 of Bihar Act III of 1950.*—In sub-section (1) of section 3 of the said Act, for the words, figure and brackets "sub-section (3)" the words, figure and brackets "sub-section (2)", shall be substituted.

5. *Substitution of new section for section 4 of Bihar Act III of 1950.*— For section 4 of the said Act, the following section shall be substituted, namely :—

"4. *Duration of order made under section 2.*—An order made under sub-section (1) of section 2 shall be in force for a period not exceeding six months from the date on which it is served on the person in respect of whom it is made, unless it is revoked earlier :

Provided that nothing in this section shall prevent the State Government from making a fresh order under the aforesaid sub-section in respect of the same person, if the State Government is satisfied that it is necessary so to do with a view to preventing him from acting in any manner prejudicial to the maintenance of public order :

Provided further that no order made under the aforesaid sub-section shall remain in force for a longer period than three months from the date of the service of the order on the person concerned unless the Advisory Board has reported under sub-section (3) of section 6 that there is, in its opinion, sufficient cause for the making of the order."

6. *Substitution of new section for section 5 of Bihar Act III of 1950.*— For section 5 of the said Act, the following section shall be substituted, namely :—

"5. *Grounds of order under sub-section (1) of section 2 to be disclosed to person affected by the order* —(1) Where an order is made in respect of any person under sub-section (1) of section 2, within fifteen days of the date on which the order is served on the person in respect of whom it is made, the State Government shall communicate to the person affected thereby, as far as such communication can be made without disclosing facts which the State Government considers it would be against the public interest to disclose, the grounds on which the order has been made against him and such other particulars as are in the opinion of the State Government sufficient to enable him to make, if he wishes, a representation against the order and such person may make a representation in writing to the State Government against the order and it shall be the duty of the State Government to inform such person of his right of making such representation and to afford him the earliest practicable opportunity of doing so

(2) Communication of the grounds on which the order has been made shall be made by delivering or tendering a copy thereof to the person affected by the order."

7. *Substitution of new section for section 6 of Bihar Act III of 1950.*— For section 6 of the said Act, the following section shall be substituted, namely :—

"6. *Constitution of Advisory Board and its procedure.*—(1) The State Government shall constitute one or more Advisory Boards each consisting of not less than three members who are or have been, or are qualified to be appointed as Judges of a High Court. The members of the Board, one of whom shall be the Chairman, shall be appointed by the State Government.

(2) In every case where an order has been made under sub-section (1) of section 2, the State Government shall, within six weeks from the date of the service of the order on the person in respect of whom the order has been made, place before an Advisory Board constituted under sub-section (1) the grounds on which the order has been made and the representation, if any, made by the person affected by the order together with any other relevant materials which the State Government may consider necessary.

(3) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information from the person concerned as it may deem necessary, submit its report to the State Government within ten weeks from the date of the service of the order on the person in respect of whom the order has been made.

(4) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the making of the order under sub-section (1) of section 2 against the person concerned.

(5) Nothing in this section shall entitle any person against whom an order under sub-section (1) of section 2 has been made to attend in person or to appear by any legal representative in any matter connected with the reference to the Advisory Board and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential."

8. *Substitution of new section for section 7 of Bihar Act III of 1950* — For section 7 of the said Act, the following section shall be substituted, namely :—

"7. *Confirmation of order.* — In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the making of the order under sub-section (1) of section 2 against the person concerned, the State Government may confirm the order."

9. *Amendment of section 8 of Bihar Act III of 1950* — In section 8 of the said Act, the words "the public safety or" shall be omitted.

10. *Amendment of section 9 of Bihar Act III of 1950.* — In section 9 of the said Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The State Government may, for the purpose of the maintenance of public order, direct by general or special order that in any area or place, as may be specified in the order, no person shall,—

(a) while taking part in any public procession, meeting or assembly, carry such arms as may be specified in the order ;

(b) join or take part in any public meeting or assembly, unless the convener or organisor of such meeting or assembly has intimated, in writing, the hour and place of the meeting or assembly in advance for such period, in such manner and to such authority as may be prescribed by rules made in this behalf by the State Government.

(2) If in the opinion of the State Government any public procession, if uncontrolled, is likely to be prejudicial to the maintenance of public order, it may, by general or special order, direct that in any area or place, as may be specified in the order, no procession shall be permitted unless an application for a license for the same has been made in advance for such period before the date of the procession and to such authority as may be prescribed by rules made in this behalf by the State Government and the license has been obtained. The authority to whom the application for license is made may, for reasons to be recorded in writing,—

(a) refuse a license for the procession ; or

(b) issue a license specifying the names of the licensees and defining the conditions on which alone such procession is to be permitted to take place :

Provided that no fee shall be charged for the grant of any such license." ;

(ii) sub-sections (2), (3) and (4) shall be re-numbered as sub-sections (3), (4) and (5), respectively ; and

(iii) in sub-section (3) as so re-numbered, for the word, brackets and figure "sub-section (1)", the words, brackets and figures "sub-sections (1) and (2)" shall be substituted.

11. *Amendment of sections 10 and 11 of Bihar Act III of 1950.*—In sub-section (1) of section 10 and sub-section (1) of section 11 of the said Act, for the words "The State Government may, for the purpose of securing the public safety or the maintenance of public order", the words "The State Government may, if satisfied that such action is necessary for the purpose of preventing any activity which under-mines the security of, or tends to overthrow, the State or any part thereof" shall be substituted.

12. *Amendment of section 12 of Bihar Act III of 1950.*—In section 12 of the said Act,—

(i) in sub-section (1), the words "securing the public safety or" shall be omitted ; and

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) (i) Whenever, in pursuance of sub-section (1), the State Government requisitions any movable or immovable property, there shall be paid to all persons interested compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, namely :—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;

(b) where no such agreement can be reached, the State Government shall appoint a District Judge or an Additional District Judge as arbitrator ;

(c) the State Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose ;

(d) at the commencement of the proceeding before the arbitrator, the State Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation ;

(e) the arbitrator in making his award shall have regard to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (I of 1894) so far as they can be made applicable ;

(f) an appeal shall lie to the High Court against an award of an arbitrator ;

(g) save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(ii) Compensation shall also be paid in respect of any damage done to the property during the period of requisition other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement, it shall be paid in accordance with such agreement ; where no such agreement can be reached, the matter shall be referred to the arbitrator appointed under sub-clause (b) of clause (i) and where no such arbitrator has been appointed, the State Government shall appoint a District Judge or an Additional District Judge as arbitrator. The provisions of sub-clauses (c), (d), (f) and (g) of clause (i) shall also apply to such cases.

(iii) The State Government may prescribe by rules the procedure to be followed in arbitrations and appeals, the period within which such appeals are to be filed, the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal and the fees to be paid to experts and assessors appointed under sub-clause (c) of clause (i) of this sub-section.

13. *Amendment of section 13 of Bihar Act III of 1950.*—For sub-sections (1) and (2) of section 13 of the said Act, the following sub-sections shall be substituted, namely :—

"(1) The State Government may, for the purpose of the maintenance of public order, direct, by general or special order, that in any area or place as may be specified in the order, no person shall —

(a) while taking part in any exercise, movement, evolution or drill of a military nature, carry or use such arms as may be specified in the order ;

(b) join or take part in any exercise, movement, evolution or drill of a military nature or in any camp or parade appertaining to such exercise, movement, evolution or drill, unless a license for the same has been obtained from the District Magistrate.

(2) If in the opinion of the District Magistrate any such exercise, movement, evolution or drill of a military nature or such camp or parade, if uncontrolled, is likely to be prejudicial to the maintenance of public order, he may, for reasons to be recorded in writing,—

(a) refuse a license for such exercise, movement, evolution or drill, or

(b) issue a license specifying the names of the licensees and defining the conditions on which alone such exercise, movement, evolution drill, camp or parade is to be held :

Provided that no fee shall be charged for the grant of any such license."

14. *Amendment of section 14 of Bihar Act III of 1950* —In sub-section (1) of section 14 of the said Act, for the words "His Majesty's Forces" the words "the Armed Forces of the Union" shall be substituted ; and the words "the public safety or" shall be omitted.

15. *Amendment of section 16 of Bihar Act III of 1950.*—In sub-section (1) of section 16 of the said Act, the words "the purpose of securing the public safety or" shall be omitted.

16. *Amendment of section 21 of Bihar Act III of 1950.*—In section 21 of the said Act, for the words "subordinate to the State Government" the words "not below the rank of a Subdivisional Magistrate" shall be substituted.

The Bihar Private Irrigation Works (Amendment) Act, 1950.

The following Act of the Bihar Legislature has been assented to by the Governor on the 9th November, 1950 [Vide Notification No. Legis -71/50-Leg. - 2105, of the Legislative Department, published in the *Bihar Gazette*, Extraordinary, dated the 21st November 1950].

Bibar Act XXXVII of 1950.

An Act to amend the Bihar Private Irrigation Works Act, 1922.

WHEREAS it is expedient to amend the Bihar Private Irrigation Works Act, 1922 (B. & O. Act V of 1922), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Private Irrigation Works (Amendment) Act, 1950.

2. *Amendment of section 2 of B. & O. Act V of 1922.*—In section 2 of the Bihar Private Irrigation Works Act, 1922 (B. & O. Act V of 1922) (hereinafter referred to as the said Act),—

(a) in clause (1), for the word "Governor", the words "State Government" shall be substituted ;

(b) in clause (2)—

(i) at the end of sub-clause (c), the word "and" shall be omitted ;

(ii) at the end of sub-clause (d), the word "and" shall be inserted ; and after sub-clause (d) as so amended, the following sub-clause shall be inserted, namely :—

"(e) a well which is or may be used for irrigation purposes ; and

(iii) for the words, brackets and letters, "but does not include—

(i) any such means or work which has been brought under the control of the Government under the provisions of any other Act for the time being in force, or

(ii) any well;",

the words "but does not include any such means or work which has been brought under the control of the Government under the provisions of any other Act for the time being in force ;" shall be substituted.

3. *Amendment of section 5 of B & O. Act V of 1922.*—In the second proviso to sub-section (1) of section 5 of the said Act, for the words "two thousand five hundred rupees", the words "five thousand rupees" shall be substituted

4. *Amendment of section 11 of B & O. Act V of 1922.*—In sub-section (1) of section 11 of the said Act, for clause (c), the following clause shall be substituted, namely : –

"(c) the instalments fixed for the payment of such amounts : provided that in fixing such instalments, the Collector shall act in accordance with such general or special order as may be issued by the State Government in this behalf ;".

5. *Repeal of Chapter III of B & O. Act V of 1922.*—Chapter III of the said Act shall be omitted.

6. *Amendment of the heading to Chapter IV of B. & O. Act V of 1922.*—In the heading to Chapter IV of the said Act, for the words "small irrigation works", the words "certain irrigation works" shall be substituted.

7. *Substitution of new section for section 19 of B. & O. Act V of 1922.*—For section 19 of the said Act, the following section shall be substituted, namely :—

"19. *Application of this Chapter.*—The provisions of this Chapter shall apply to all classes of irrigation works except those mentioned in Chapters V and VI "

8. *Repeal of section 20 of B & O. Act V of 1922.*—Section 20 of the said Act shall be omitted.

9. *Amendment of section 21 of B. & O. Act V of 1922.*—In section 21 of the said Act,—

(i) in sub-section (1), for the words "finds that the work", the words "finds that any irrigation work" shall be substituted ; and after the proviso to sub-section (1) as so amended, the following proviso shall be inserted, namely :—

"Provided further that in the case of an irrigation work in respect of which the Collector has made an order under section 5 or 5A no inquiry under this sub-section shall be necessary." ; and

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The order shall further specify the exact area benefited by the said work and apportion the cost of maintenance amongst the person or persons who may be found to be liable to pay the same, having regard to the considerations mentioned in clauses (a) to (c) of section 10."

10. *Amendment of section 22 of B. & O. Act V of 1922.*—In section 22 of the said Act, for clause (3), the following clause shall be substituted, namely :—

"(3) collect the cost of maintenance from the person or persons who may be found to be liable to pay the same in accordance with the order under section 21."

11. *Amendment of section 24 of B. & O. Act V of 1922.*—In sub-section (1) of section 24 of the said Act, for the words "a portion of the cost has been assessed under section 22", the words "the whole of the cost or a portion of the cost has been assessed under section 21" shall be substituted.

12. *Substitution of new section for section 32A of B. & O. Act V of 1922.*—For section 32A of the said Act, the following section shall be substituted, namely :—

"32A. *Acquisition of certain existing irrigation works by Collector.*— If the Collector considers -

(a) that it is expedient to extend, alter or repair an existing irrigation work, which the owner thereof is under no obligation to maintain but which benefits or is likely to benefit any village or local area within the district ; and

(b) that it is desirable in the interest of such village or local area to acquire such irrigation work ;

he may—

(i) mark out the land which, in his opinion, it will be necessary to acquire for the purposes of such extension, alteration or repair ;

(ii) publish a notice in the prescribed manner in the village in which the irrigation work is situated or, if it is situated in or passes through more than one village, in every village in which it is situated or through which it passes, stating that he proposes to acquire the said irrigation work and the land marked out as aforesaid ; and

(iii) cause a copy of such notice to be served in the prescribed manner on all persons who, he has reason to believe, are interested in the irrigation work or in the land to which the notice relates :

Provided that, if the Collector is of opinion that the cost of the acquisition of such irrigation work and of the extension, alteration or repair thereof (inclusive of the cost, if any, of the acquisition of any land which, in his opinion, is necessary for the purpose of carrying out the work or which may be liable to submersion as a result of the execution of such work) is likely to exceed two thousand and five hundred rupees, he shall, before taking action under clauses (i), (ii) and (iii), get a plan and estimate of the cost of such acquisition, extension, alteration or repair prepared by an Irrigation Engineer :

Provided further that the Collector shall not take any action under clauses (i), (ii) and (iii), until he has obtained the previous sanction of the prescribed authority if the estimated cost is likely to exceed five thousand rupees but is not likely to exceed ten thousand rupees, or the previous sanction of the State Government if such cost is likely to exceed ten thousand rupees."

13. *Substitution of new section for section 32B of B. & O. Act V of 1922.*—For section 32B of the said Act, the following section shall be

substituted, namely :—

"32B. *Construction of certain kinds of new irrigation works.*—If the Collector considers that it is expedient to construct any new irrigation work, he may—

(i) cause inquiry to be made as to the most suitable alignment for the said irrigation work ;

(ii) mark out the land which, in his opinion, it will be necessary to acquire for the construction thereof or which may be liable to submersion as a result of such construction ;

(iii) forthwith publish a notice in the prescribed manner in every village through which the irrigation work is proposed to be taken, stating that so much of the land as belongs to such village has been so marked out ; and

(iv) cause a copy of such notice to be served in the prescribed manner on all persons who, he has reason to believe, are interested in the land to which the notice relates :

Provided that, if the Collector is of opinion that such work is likely to cost more than two thousand and five hundred rupees (inclusive of the cost of acquisition of any land which, in his opinion, will be needed for such construction or which may be liable to submersion as a result of such construction), he shall, before taking action under clauses (ii), (iii) and (iv), get a plan and estimate of the cost of such acquisition and construction prepared by an Irrigation Engineer ;

Provided further that the Collector shall not take any action under clauses (ii), (iii) and (iv), until he has obtained the previous sanction of the prescribed authority if the estimated cost is likely to exceed five thousand rupees but is not likely to exceed ten thousand rupees, or the previous sanction of the State Government if such cost is likely to exceed ten thousand rupees but is not likely to exceed thirty thousand rupees."

14. *Amendment of section 36 of B. & O. V of 1922.*—In clause (b) of sub-section (3) of section 36 of the said Act, for the word and figures "Chapter III", the word, figures and letter "Chapter VIA" shall be substituted.

15. *Insertion of new Chapter VIA in B. & O. Act V of 1922.*—After Chapter VI of the said Act, the following Chapter shall be inserted, namely :—

"CHAPTER VIA

Maintenance of Irrigation Works by Government Agency.

"36A. *Power of Collector to take over and maintain irrigation work.*—(1) Where the maintenance of an irrigation work has not been vested in a village agency under the provisions of section 21, or of sub-section (5) of section 35A, or where the Collector is satisfied that the village agency in whom the maintenance of any irrigation work has been vested under the said provisions is not likely to maintain it in an efficient state, he may issue an order in writing that the work shall be taken over and maintained by the State Government :

Provided that—

(a) if the annual cost of maintenance, as estimated, exceeds two thousand and five hundred rupees, but does not exceed ten thousand rupees, the previous sanction of the prescribed authority shall be obtained ; and

(b) if the annual cost of maintenance, as estimated, exceeds ten thousand rupees, the previous sanction of the State Government shall be obtained.

(2) The order shall further specify the exact area benefited by the said work and apportion the cost of maintenance amongst the person or persons who may be found to be liable to pay the same, having regard to the considerations mentioned in clauses (a) to (c) of section 10.

(3) The Collector may authorise any person or agency to take over and maintain the irrigation work on behalf of the State Government.

36B. *Accounts of expenses incurred.*—(1) The person or agency who takes over an irrigation work under section 36A shall keep accounts of the actual expense incurred in the maintenance thereof and shall submit such accounts to the Collector at such intervals as may, from time to time, be fixed by the Collector.

(2) The Collector may revise any accounts so submitted to him, if after making inquiry he considers it necessary to do so.

36C. *Recovery of expenses by Collector.*—The Collector shall inform the persons liable under sub-section (2) of section 36A of the amount due from each and shall intimate the date by which such sums are to be paid. Every such sum not paid by the date fixed shall be recoverable as a public demand payable to the Collector."

16. *Amendment of Chapter VIA, sections 36A, 36B and 36C of B. & O. Act V of 1922.*—Chapter VIA and sections 36A, 36B and 36C of the said Act shall be renumbered as Chapter VIB and sections 36D, 36E and 36F, respectively.

17. *Amendment of section 36E of B. & O. Act V of 1922.*—In section 36E of the said Act, as so re-numbered, for the words, figures and letter sections 36A", the word, figures and letter "section 36D" shall be substituted.

18. *Amendment of section 40 of B. & O. Act V of 1922.*—In sub-section (2) of section 40 of the said Act -

(i) in clause (b), for the words "two thousand five hundred rupees", the words "five thousand rupees" shall be substituted ;

(ii) clauses (d) and (e) shall be omitted, and clauses (f), (g), (g^1), (g^2) and (g^3) shall be relettered as (d), (e), (f), (g) and (g^1), respectively ;

(iii) in clause (d) as so relettered, for the word and figures "and 16", the word, figures and letter "and 36B" shall be substituted ;

(iv) in clause (e) as so re-lettered, for the figures, letter and word "17, 24 and 35A", the figures, letters and word "24, 35A and 36C" shall be substituted ;

(v) after clause (g^1) as so re-lettered the following clause shall be inserted, namely :—

"(g^2) prescribing the authority referred to in clause (a) of the proviso to sub-section (1) of section 36A ;" and

(vi) clause (g^4) shall be re-lettered as clause (g^3).

The Bihar Displaced Persons Rehabilitation (Acquisition of Land) Act, 1950.

The following Act of the Bihar Legislature has been assented to by the President on the 8th November, 1950 [Vide Notification No. LG.-1-025/50 -Leg. 2121, of the Legislative Department, dated the 22nd November 1950, published in the *Bihar Gazette*, Extraordiaary, dated the 23rd November 1950.]

Bihar Act XXXVIII of 1950.

An Act to provide for the speedy Acquisition of Land for the Rehabilitation of Displaced Persons from Pakistan, and for matters incidental thereto.—

WHEREAS it is expedient to provide for the speedy acquisition of land for the rehabilitation of displaced persons from Pakistan, and for matters incidental thereto ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bihar Displaced Persons Rehabilitation (Acquisition of Land) Act, 1950.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,

(a) "competent authority" means the Collector and includes any person appointed or empowered by the State Government, by notification, to perform all or any of the functions of a competent authority under this Act ;

(b) "displaced person" means a person displaced from the territories now comprised in Pakistan, who is, for the time being, resident in the State of Bihar and—

(i) who has been registered under section 4 of the Bihar Refugees Registration and Movement Ordinance, 1948 (Bihar Ordinance no. 1 of 1948) ; or,

(ii) who in the opinion of the State Government, or of such authority as may be prescribed from time to time by the State Government, has migrated from Pakistan after the first day of March, 1947 ;

(c) "land" means land lying fallow and in which no crops have been raised for a continuous period of three years immediately preceding the 31st December, 1949, and includes, benefits arising out of, and things attached or permanently fastened to anything attached to, the land ; and

(d) "prescribed" means prescribed by rules made under this Act.

3. *Notice of acquisition of land.*—(1) Whenever it appears to the State Government that it is necessary or expedient to acquire speedily any land required for the rehabilitation of displaced persons or for any matter incidental thereto, a notification to that effect shall be published in the Official Gazette stating the area and boundaries of the land proposed to be acquired.

(2) The publication of a notification under the provisions of section 4 of the Land Acquisition Act, 1894 (I of 1894), for the acquisition of land for the purposes specified in sub-section (1), before the commencement of this Act, shall be deemed to be publication of the notification under sub-section (1).

4. *Service of notice on owner or occupier of land affected by notice of acquisition.*—(1) As soon as may be after the publication of the notification under section 3, the competent authority shall cause to be served a notice to the same effect in the prescribed form and in the prescribed manner on the owner of the land and also on the occupier where the owner is not in occupation of the land.

(2) The giving of public notice under the provisions of section 4 of the Land Acquisition Act, 1894 (I of 1894), for the acquisition of land for the purposes specified in sub-section (1) of section 3, before the commencement of this Act, shall be deemed to be a service of notice under sub-section (1).

5. *Vesting and taking possession of land.*—(1) Subject to the provi-

sions contained in sub-section (1) of section 6, when a notice of acquisition of land is served under section 4, the land shall vest absolutely in the State Government free from all incumbrances.

(2) The competent authority may, at any time after the land has so vested, proceed to take possession thereof.

6. *Completion of acquisition not compulsory, but compensation to be awarded for damage suffered by the owner in consequence of the notification of acquisition.*—(1) The State Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever a person is deprived of the use of his land at any time after the publication of the notification under section 3 and prior to the payment of compensation by the competent authority, such person shall be entitled to, and shall be paid such reasonable interim compensation as may be determined by the Collector at the time of such deprivation and periodically thereafter until the compensation is assessed and paid under section 8 or the acquisition proceedings are withdrawn under sub-section (1).

7. *Method of determining compensation.*—(1) Where any land has been acquired under this Act, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;

(b) where no such agreement can be reached,

(i) the State Government shall appoint as arbitrator a person qualified for appointment as a Subordinate Judge or an Additional District Magistrate ; and it may, in any particular case, nominate a person having expert knowledge as to the nature and condition of the land acquired to assist the arbitrator and, where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose ;

(ii) at the commencement of the proceedings before the arbitrator, the State Government and the person to be compensated shall state what, in their respective opinions, is a fair amount of compensation ;

(iii) the arbitrator, in making his award, shall take into consideration the provisions of section 23 of the Land Acquisition Act, 1894 (I of 1894) :

Provided—

firstly, that the market value referred to in the first clause of sub-section (1) of section 23 of the said Act shall be the market value of such land on the date of publication of the notification under section 3, or, as the case may be, the preliminary notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (I of 1894) ;

secondly, that where, under any law or custom having the force of law, the land is not saleable, the market value of such land shall be such multiple as may be prescribed of the deduced rent to be calculated in the prescribed manner with an addition of fifty *per centum* ;

thirdly, that where such land has been held by the owner thereof under a purchase made by a registered document or under a decree for pre-emption before the first day of April, 1947, and after the first day of September, 1939, the market value shall be the price actually paid by the purchaser or the amount on payment of which he may have acquired the land under the decree for pre-emption, as the case may be ; and

fourthly, that when such land has been held by the owner thereof

under a purchase made after the first day of April, 1947, the market value shall not exceed the market value of such land before the first day of April, 1947.

(2) The arbitrator shall, in awarding any compensation under this section, apportion the amount thereof between such persons, if any, as may appear to him to be entitled thereto.

(3) An appeal shall lie to the High Court from the award of the arbitrator appointed under this Act, and the decision of the High Court shall be final.

8. *Payment of compensation.*—The compensation awarded shall be paid by the competent authority to the person entitled thereto according to the award:

Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act to pay the same to the person lawfully entitled thereto.

9. *Power to secure information.*—The State Government or the competent authority may, with a view to determining the compensation payable under this Act, by order require any person to furnish such information or to produce such documents in his possession and to such authority as may be specified in the order.

10. *Penalty.*—Whoever wilfully obstructs any person in lawfully taking possession of any land under this Act, or refuses to furnish any information or to produce any documents as required by section 9, shall be punishable with imprisonment which may extend to one month or with fine which may extend to fifty rupees or with both.

11. *Application of section 51 of Act 1 of 1894.*—The provisions of section 51 of the Land Acquisition Act, 1894 (1 of 1894), shall apply in respect of the stamp duty chargeable on any award or agreement made under this Act.

12. *Bar of legal proceedings.*—No suit prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

13. *Saving as to orders.*—(1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall presume, within the meaning of the Indian Evidence Act, 1872 (1 of 1872), that such order was so made by that authority.

14. *Power to make rules.*—(1) The State Government may make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the procedure to be followed in arbitration under this Act ;

(b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal;

(c) the principles to be followed in determining the mode of fixing and the mode of payment of compensation as respects different classes of or different descriptions of interests held in lands ; and

(d) the manner in which deduced rent in respect of non-saleable lands is to be calculated and what multiple of such deduced rent shall be the market value of such lands.

The Bihar Appropriation Act, 1951.

The following Act of the Bihar Legislature has been assented to by the Governor on the 2nd March, 1951 [Vide Notification No. LG-1-013/51-Leg.-516, of the Legislative Department, dated the 12th March 1951, published in the *Bihar Gazette*, Extraordinary, dated the 14th March 1951.]

Bihar Act VI of 1951

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1951 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Appropriation Act, 1951.

2. *Issue of Rs. 83,91,808 of the Consolidated Fund of the State of Bihar for the year ending 31st March, 1951.*—From and out of the Consolidated Fund of the State of Bihar, there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of eighty-three lakhs, ninety-one thousand and eight hundred and eight rupees, towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 3 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for and in respect of the services and purposes specified in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

THE SCHEDULE

[*See* sections 2 and 3.]

[For The Schedule, see *Bihar Gazette*, Extraordinary, dated the 14th March 1951, pages 3-5. *Editor.*]

The Bihar Finance Act, 1951.

The following Act of the Bihar Legislature has been assented to by the Governor on the 23rd March 1951 [Vide Notification No. Lg-1-072/51-Leg-525, of the Legislative Department, dated the 28th March 1951, published in the *Bihar Gazette*, Extraordinary, dated the 30th March 1951.]

Bihar Act VII of 1951

An Act to amend the Bihar Sales Tax Act, 1947, the Bihar Agricultural Income-tax Act, 1948, the Bihar Entertainments Tax Act, 1948, the Bihar Electricity Duty Act, 1948, and the Bihar Finance Act, 1950, and to lay down rates of sales tax payable under the Bihar Sales Tax Act, 1947, to fix the limit of taxable agricultural income and to lay down rates of agricultural income-tax and super-tax chargeable under the Bihar Agricultural Income-tax Act, 1948, for the financial year beginning on the first day of April, 1951, and to make further provision in connection with the finances of the State of Bihar.

WHEREAS it is expedient to amend the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947), the Bihar Agricultural Income-tax Act, 1948 (Bihar Act XXXII of 1948), the Bihar Entertainments Tax Act, 1948

(Bihar Act XXXV of 1948), the Bihar Electricity Duty Act, 1948 (Bihar Act XXXVI of 1948), and the Bihar Finance Act, 1950 (Bihar Act XVII of 1950), and to lay down rates of sales tax payable under the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947), to fix the limit of taxable agricultural income and to lay down rates of agricultural income-tax and super-tax chargeable under the Bihar Agricultural Income-tax Act, 1948 (Bihar Act XXXII of 1948), for the financial year beginning on the 1st day of April, 1951, and to make further provisions in connection with the finances of the State of Bihar ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bihar Finance Act, 1951.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on the 1st day of April, 1951.

PART I

AMENDMENTS TO THE BIHAR SALES TAX ACT, 1947.

2. *Amendment of section 2 of Bihar Act XIX of 1947.*—The second proviso to clause (g) of section 2 of the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947) (hereinafter referred to in this Part as "the said Act"), shall be omitted and to the said clause, as so amended, the following "*Explanation*" shall be added, namely :—

"*Explanation.*—The sale of any goods actually delivered in Bihar as a direct result of such sale for the purpose of consumption in Bihar shall be deemed for the purpose of this Act to have taken place in Bihar, notwithstanding the fact that under the general law relating to sale of goods, the property in the goods has, by reason of such sale, passed in another State."

3. *Amendment of section 4 of Bihar Act XIX of 1947.*—In sub-section (5) of section 4 of the said Act, for the words "registered dealer", the words "a dealer liable to pay tax under this Act" shall be substituted.

4 *Amendment of section 13 of Bihar Act XIX of 1947.*—In sub-section (5) of section 13 of the said Act, after the words "apply for registration", the words and figure "or having applied for registration, failed to furnish any particulars or information required by the prescribed authority for the purposes of section 9" shall be inserted.

5. *Amendment section 14 of Bihar Act XIX of 1947.*—In section 14 of the said Act—

(i) after sub-section (3), the following sub-section shall be inserted, namely :—

"(3a) Where any registered dealer fails without any reasonable cause to make payment of the tax or extra amount of the tax due from him according to the return or revised return furnished under sub-section (2) or (3) of section 12, the Commissioner may direct that the dealer shall, by way of penalty, pay a sum not exceeding five rupees for every day after the date prescribed under the said section, during which the dealer has failed to make payment."

(ii) in sub-section (4), for the words "specified, shall", the words "specified, shall ordinarily" shall be substituted ; and

(iii) in the proviso to sub-section (6), for the words "Commissioner" and "his" the words "appellate authority" and "its" shall respectively be substituted.

6. *Insertion of new section 15-A in Bihar Act XIX of 1947.*—After section 15 of the said Act, the following section shall be inserted, namely :—

"15A. *Adjustment of tax paid by dealers prior to the period of registra-*

tion in certain cases:—If a dealer applies to the prescribed authority for registration in the manner prescribed under section 9 and delay occurs in the grant of a certificate of registration to him and the Commissioner is satisfied that the delay was not due to any fault or negligence on the part of the dealer, the amount of sales tax paid by such dealer on the purchase of goods during the period for which his application for registration remains pending, or such part of the amount of tax as may appear to the Commissioner to be reasonable, shall, on application by the dealer, be adjusted by the Commissioner against any amount of tax due from the dealer or payable by him under this Act :

Provided that no such application for adjustment of the tax shall be entertained under this section unless it is made within six months from the date following the date on which the certificate of registration is granted to the dealer".

7. *Amendment of section 24 of Bihar Act XIX of 1947.* In section 24 of the said Act—

(i) in the proviso to sub-section (1), for the words "such amount of tax as the appellant may admit to be due from him has been paid", the words "twenty *per centum* of the tax assessed or such amount of the tax as the appellant may admit to be due from him, whichever is greater, has been paid" shall be substituted :

(ii) for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) Subject to such rules as may be prescribed and for reasons to be recorded in writing, the prescribed authority may, upon application or of its own motion, revise any order passed under this Act:

Provided that where the prescribed authority revises any order of its own motion, no proceeding for such revision shall be initiated at any time except before the expiry of four years from the date of such order :

Provided further that no order under section 13 shall be revised, upon application by a dealer, unless an order under sub-section (3) of this section has been previously passed in respect of the said order."

PART II.

AMENDMENTS TO THE BIHAR AGRICULTURAL INCOME-TAX ACT, 1948.

8 *Amendment of section 25 of Bihar Act XXXII of 1948.*— To sub-section (1) of section 25 of the Bihar Agricultural Income-tax Act, 1948 (Bihar Act XXXII of 1948) (hereinafter referred to in this Part as "the said Act"), the following proviso shall be added, namely :—

"Provided that no appeal shall be entertained by the prescribed authority unless it is satisfied that twelve and a half *per centum* of the tax assessed has been paid".

9. *Substitution of new section for section 27 of Bihar Act XXXII of 1948.* For section 27 of the said Act, the following section shall be substituted, namely :—

"27. *Power of revision.*—Subject to such rules as may be prescribed and for reasons to be recorded in writing, the prescribed authority may, upon application or of its own motion, revise any order passed under section 20, 21, 25, 36 or 41 :

Provided that—

(a) *first*, where the prescribed authority revises any order of its own motion, no proceedings for such revision shall be initiated at any time except before the expiry of three years from the date of such order ;

(b) *secondly*, no order under section 20, 21 or 41 shall be revised upon

application of an assessee unless an order under section 25 has been previously passed in respect of that order;

(c) *thirdly*, the prescribed authority shall not pass any order prejudicial to an assessee without hearing him or giving him a reasonable opportunity of being heard; and

(d) *fourthly*, in the case of an application under this section, an order of the said authority declining to interfere shall not be deemed to be an order prejudicial to the assessee".

10. *Amendment of section 35 of Bihar Act XXXII of 1948.*—In section 35 of the said Act—

(i) for the proviso to sub-section (1), the following proviso shall be substituted, namely :—

"Provided that where an assessee has presented an appeal under section 25, the appellate authority may, in its discretion, treat the assessee as not being in default, so long as such appeal is undisposed" of ; and

(ii) in sub-section (2)—

(a) the first proviso shall be omitted ; and

(b) in the second proviso the word "further" shall be omitted.

11. *Amendment of section 53 of Bihar Act, XXXII of 1948.*—In sub-section (2) of section 53 of the said Act, for clause (k), the following clause shall be substituted, namely :—

"(k) prescribe the authority to whom, and the period within which, an application for revision under section 27 shall be made;"

PART III

AMENDMENTS TO THE BIHAR ENTERTAINMENTS TAX ACT, 1948.

12. *Substitution of new section for section 9 of Bihar Act XXXV of 1948* —For section 9 of the Bihar Entertainments Tax Act, 1948 (Bihar Act XXXV of 1948) (hereinafter referred to in this part as "the said Act"), the following section shall be substituted, namely :—

"9. *Submission of returns and payment and recovery of entertainments tax.*—(1) Every proprietor of an entertainment shall furnish such returns by such dates and to such authority, as may be prescribed

(2) If the proprietor fails without any reasonable cause to furnish any return within a month of the prescribed date, the prescribed authority may direct that the proprietor shall, by way of penalty, pay a sum not exceeding five rupees for every day after the prescribed date during which the proprietor fails to submit the prescribed return.

(3) The entertainments tax payable under this Act shall be paid in the prescribed manner and at such intervals as may be prescribed.

(4) Before the proprietor furnishes the return required by sub-section (1), he shall, in the prescribed manner, pay into a Government treasury the full amount of the entertainments tax due from him under this Act according to such return and shall furnish, along with the return, a receipt from such treasury showing the payment of such amount.

(5) Where the proprietor fails to make payment of the entertainments tax due from him under this Act according to the return furnished under sub-section (1) within seven days of the period prescribed under sub-section (3), the prescribed authority may, in its discretion, direct that the proprietor shall pay, by way of penalty, a sum not exceeding five rupees for every day after the due date during which the proprietor has failed to make payment.

(6) If the prescribed authority is satisfied that the proprietor has concealed the particulars of the sale of tickets including the complimentary

tickets, or the realisation of the entertainments tax or has furnished inaccurate particulars of such sales or realisations with intent to defraud the State Government of its revenues, the prescribed authority may direct that, in addition to the amount of the entertainments tax and penalty, if any, payable by the proprietor, a sum not exceeding one and a half times the amount of the tax which would have been avoided if the concealment had not been discovered or the particulars furnished by the proprietor had been accepted as true shall be paid by the proprietor by way of penalty.

(7) Any penalty imposed under sub-section (2), (5) or (6) shall be without prejudice to any punishment that may be imposed under section 16.

(8) Any amount of the entertainments tax together with the penalty, if any, which remains unpaid under this section or a fixed sum permitted to be paid under clause (a) of sub-section (2) of section 5, which remains unpaid after the due date, shall be recoverable as an arrear of land revenue.

(9) When the ownership of an entertainment is entirely transferred, any tax payable in respect of such entertainment remaining unpaid at the date of the transfer shall be payable by the transferee as if he were the registered proprietor ; and the transferee shall, within thirty days of the transfer, apply for registration under section 6".

13. *Amendment of section 14 of Bihar Act XXXV of 1948.*—After sub-section (2) of section 14 of the said Act, the following sub-section shall be added, namely :—

"(3) Subject to such rules as may be prescribed, any order passed under this Act or the rules made thereunder may be reviewed by the officer or authority passing it, or by his or its successor-in-office."

PART IV

AMENDMENTS TO THE BIHAR ELECTRICITY DUTY ACT, 1948.

14. *Insertion of new section 5-A in Bihar Act XXXVI of 1948.*—After section 5 of the Bihar Electricity Duty Act, 1948 (Bihar Act XXXVI of 1948) hereinafter referred to in this Part as "the said Act"), the following section shall be inserted, namely :—

"5A. *Power to impose penalty for failure to furnish returns or pay duty.*—(1) If any licensee, or other person who is liable to pay duty under sub-section (4) of section 4, fails, without any reasonable cause, to furnish returns or to pay the duty due according to such returns, within fifteen days from the expiry of the due date, the prescribed authority may direct that such licensee or other person shall pay, in addition to the amount of duty payable by him, by way of penalty, a sum not exceeding five rupees for every day for which the default continues.

(2) Any penalty imposed under sub-section (1) shall be without prejudice to any punishment that may be imposed under the provision of clause (a) of section 8".

15. *Amendment of section 7 of Bihar Act XXXVI of 1948* - In section 7 of the said Act, after the word "due", the words "or penalty imposed" shall be inserted

16. *Insertion of new section 8-A in Bihar Act XXXVI of 1948.*—After section 8 of the said Act, the following section shall be inserted, namely :—

"8A. *Compounding of offences* —The prescribed authority may, either before or after the institution of proceedings under section 8, accept from a licensee or other person charged with an offence under the said section

or under any rules made under this Act, by way of composition of the offence, a sum not exceeding seven hundred and fifty rupees.

(2) On payment of such sum as may be determined by the prescribed authority under sub-section (1), no further proceeding shall be taken against the licensee or other person in respect of the same offence."

PART V.

AMENDMENTS TO THE BIHAR FINANCE ACT, 1950.

17. *Amendment of section 12 of Bihar Act XVII of 1950.*—In section 12 of the Bihar Finance Act, 1950 (Bihar Act XVII of 1950) (hereinafter referred to in this Part as "the said Act"),—

(a) in sub-section (1), for the words "charged, levied and paid", the words "levied, charged and paid" shall be substituted; and

(b) after sub-section (3), the following sub-sections shall be added, namely :—

"(4) If any owner fails, without any reasonable cause, to submit return or pay the tax due according to such return within fifteen days of the due date, the prescribed authority may direct that such owner shall, by way of penalty, pay, in addition to the amount of tax payable by him, a sum not exceeding five rupees for every day during which the default continues.

(5) Any penalty imposed under sub-section (4) shall be without prejudice to any punishment that may be imposed under the provision of section 21."

18. *Substitution of new section for section 18 of Bihar Act XVII of 1950.*— For section 18 of the said Act, the following section shall be substituted, namely :—

"18. *Arrear of tax and penalty to be recoverable as public demand.*—Any amount of tax together with the penalty, if any, payable under this Act or any fee fixed under section 14 which remains unpaid after the due date shall be recovered as arrears of land revenue".

19. *Insertion of new section 20A in Bihar Act XVII of 1950.*— After section 20 of the said Act, the following section shall be inserted, namely:—

"20A. *Power to review orders.*—Subject to such rules as may be prescribed, any order passed under this Act or the rules made thereunder may be reviewed by the authority passing it or by its successor-in-office."

PART VI.

Determination of rates of sales tax payable under the Bihar Sales Tax Act, 1947, and taxable limit of Agricultural Income-Tax and rates of Agricultural Income-Tax and Super-Tax chargeable under the Bihar Agricultural Income-Tax Act, 1948, for the financial year beginning on the 1st day of April, 1951.

20. *Rates of sales tax.*— For the financial year beginning on the 1st day of April, 1951, the tax payable by a dealer under the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947), shall be levied on his taxable turnover at the rate or rates specified in the Schedule.

21. *Taxable limit of agricultural income and rates of agricultural income-tax and super tax.*—For the financial year beginning on the 1st day of April, 1951, the agricultural income-tax and super-tax chargeable under the Bihar Agricultural Income-Tax Act, 1948 (Bihar Act XXXII of 1948), shall be payable by every person whose total agricultural income of the previous year exceeds Rs. 3,000 in the case of agricultural income-tax and Rs. 25,000 in the case of super-tax at the rate or rates specified respectively in the First Schedule and the Second Schedule annexed to the Bihar Finance Act, 1949 (Bihar Act IX of 1949).

THE SCHEDULE.

(See *section* 20.)

Rate or rates of sales tax for the financial year beginning on the 1st day of April, 1951.

Rates of tax payable by a dealer on his taxable turnover—Six pies in the rupee :

Provided that the State Government may, from time to time, by notification and subject to such conditions as it may impose, fix a higher rate of tax not exceeding one anna in the rupee or any lower rate of tax, payable under the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947), on account of the sale of goods or class of goods specified in such notification.

Explanation.—The expression "taxable turnover" for the purposes of section 20 of Part VI of this Act means that part of a dealer's gross turnover on sale which has taken place in Bihar during any period which remains after deducting therefrom—

(a) his turnover during that period on –

(i) the sale of any goods declared, from time to time, as tax-free goods under section 6 of the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947) :

(ii) sales to a registered dealer of goods specified in the purchasing dealer's certificate of registration as being intended for re-sale by him or in the execution of any contract and on sales to a registered dealer of containers and other materials for the packing of such goods :

(iii) such other sales as the State Government may, by general or special order, direct including those made by dealers exempted under section 7 of the Bihar Sales Tax Act, 1947 (Bihar Act XIX of 1947), or at points prescribed under section 8 thereof ; and

(b) a rebate at two *per centum* of the balance remaining after making deductions allowed by clause (a) :

Provided that the State Government may, by notification in such cases as it thinks fit, allow a higher rate of rebate.

The Bihar Appropriation (No 3) Act, 1951.

The following Act of the Bihar Legislature has been assented to by the Governor on the 30th March 1951 [Vide Notification No. LG-1-093/51-Leg.—649, of the Legislative Department, dated the 30th March 1951, published in the *Bihar Gazette*, Extraordinary, dated the 31st March 1951.]

Bihar Act IX of 1951

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the thirty-first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the service of the year ending on the 31st day of March, 1951.

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Appropriation (No. 3) Act, 1951.

2. *Issue of Rs 2,33,28,616 out of the Consolidated Fund of the State of Bihar for the year ending 31st March, 1951.*—From and out of the Consolidated Fund of the State of Bihar, there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of two crores, thirty-three lakhs, twenty-eight thousand and six hundred and sixteen rupees, towards defraying the

several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 3 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for and in respect of the services and purposes specified in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

THE SCHEDULE

* * * * *

The Land Acquisition (Bihar Amendment) Act, 1951.

The following Act of the Bihar Legislature has been assented to by the Governor on the 23rd May 1951 [Vide Notification No. Lg. 1-032/51-Leg.-1135, of the Legislative Department, dated the 30th May 1951, published in the *Bihar Gazette*, Part IV, dated the 6th June, 1951.]

Bihar Act XVII of 1951

An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bihar.

WHEREAS it is expedient to amend the Land Acquisition Act, 1894 (I of 1894), in its application to the State of Bihar, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Land Acquisition (Bihar Amendment) Act, 1951.

2. *Amendment of section 17 of Act I of 1894.*—In section 17 of the Land Acquisition Act, 1894 (I of 1894) (hereinafter referred to as the said Act),—

(i) in sub-section (1), for the words, brackets and figures "notice mentioned in clause 9, sub-section (1)", the words and figure "declaration mentioned in section 6" shall be substituted ;

(ii) to the said sub-section (1), as so amended the following *Explanation* shall be added, namely :—

"*Explanation* This sub-section shall apply to any waste or arable land, notwithstanding the existence thereon of forest, orchard or trees or temporary structure such as huts, pandals or sheds." ;

(iii) in sub-section (2), for the words "the notice", the words "the declaration" shall be substituted ; and

(iv) in sub-section (3), the words and brackets "and trees (if any)" shall be omitted.

3 *Amendment of section 35 of Act I of 1894.*—To sub-section (1) of section 35 of the said Act, the following *Explanation* shall be added, namely :—

"*Explanation.*—This sub-section shall apply to any waste or arable land, notwithstanding the existence thereon of forest, orchard or trees or temporary structure such as huts, pandals or sheds."

The Bihar Waqfs (Amendment) Act, 1951.

The following Act of the Bihar Legislature has been assented to by the Governor on the 24th May 1951 [Vide Notification No. Lg.-1-062/51-Leg.-1159, of the Legislative Department, dated the 1st June, 1951, published in the *Bihar Gazette*, Part IV, dated the 6th June, 1951.]

Bihar Act XVIII of 1951

An Act to amend the Bihar Waqfs Act, 1947.

WHEREAS it is expedient to amend the Bihar Waqfs Act, 1947 (Bihar Act VIII of 1948), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bihar Waqfs (Amendment) Act, 1951.

(2) It shall come into force at once.

2. *Amendment of section 27 of Bihar Act VIII of 1948.*—At the end of sub-clause (iii) of clause (h) of sub-section (2) of section 27 of the Bihar Waqfs Act 1947 (hereinafter referred to as the said Act), the following shall be added, namely :—

"wilfully disobeys the directions and orders of the Majlis under this Act ; or"

3. *Amendment of section 28 of Bihar Act VIII of 1948.*—At the end of sub-section (2) of section 28 of the said Act, the following shall be added, namely :—

"The Majlis may, thereafter, make such arrangements as may be necessary for the administration of the waqf concerned."

4. *Amendment of section 32 of Bihar Act VIII of 1948.*—In section 32 of the said Act after the words "such waqf", the following words shall be inserted namely :

"or where there is a vacancy caused by the order of the Majlis passed under clause (h) of sub section (2) of section 27 of this Act".

5. *Amendment of section 47 of Bihar Act VIII of 1948.*—Sub-clause (iv) of clause (a) of sub-section (1) of section 47 of the said Act shall be deleted and sub-clause (v) shall be renumbered as sub-clause (iv).

6 *Insertion of a new section 55A in Bihar Act VIII of 1948.*—After section 55 of the said Act, the following shall be inserted, namely :—

"55A *Order of Majlis enforceable as a decree of civil court.*—Every order of the Majlis passed under clause (h) of sub-section (2) of section 27, sub-section (2) of section 28 or section 32, shall be enforceable by any Civil Court having local jurisdiction in the same manner as a decree of such court".

7. *Insertion of a new Chapter XIIIA in Bihar Act VIII of 1948.*—After Chapter XIII of the said Act, the following shall be inserted as Chapter XIIIA, namely :—

CHAPTER XIIIA.

SPECIAL PROVISION FOR CERTAIN SUITS.

69A. *Special provisions for suits for recovery of immovable property of waqfs in certain cases.*—(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), where a suit is instituted on behalf of the Majlis—

(a) to set aside a sale of immovable property comprised in a waqf in execution of a decree of a Civil Court ;

(b) to set aside a sale of immovable property comprised in a waqf in execution of a certificate filed under the provisions of the Bihar and Orisa Public Demands Recovery Act, 1914 (B. & O. Act IV of 1914), or under the Public Demands Recovery Act, 1880 (Ben. Act VII of 1880), or under the Public Demands Recovery Act, 1895 (Bengal Act I of 1895), for the realisation of any amount due to the Colector under section 98 of the Cess Act, 1880 (Ben. Act I of 1880).

(c) to set aside a transfer of immovable property comprised in a waqf made by a Mutawalli thereof for a valuable consideration otherwise than with the sanction of the District Judge or against the terms of the waqf deed, if any, creating the waqf :

(d) to recover possession of the property referred to in clauses (a), (b) and (c), as Mutawalli of the waqf to which the property appertains or to restore such property to the possession of the Mutawalli of such waqf; or

(e) by a Mutawalli to recover possession of immovable property comprised in a waqf which has been transferred by a previous Mutawalli for a valuable consideration otherwise than with the sanction of the District Judge or against the terms of the waqf deed, if any ;

and the property which is the subject-matter of such suit is in the possession of the defendant, the Court shall, on the application of the plaintiff, appoint a Receiver of such property and direct such Receiver to pay to the plaintiff, from time to time, such amount out of the property as the Court considers necessary for the prosecution of the suit.

(2) Notwithstanding anything conlained in the Court Fees Act, 1870 (VII of 1870), in its application to the State of Bihar, the fee payable on plaint or memorandum of appeal in respect of a suit of the nature referred to in clauses (a), (b), (c), (d) or (e) of sub-section (1), shall be fifteen rupees".

8 *Amendment of section 72 of Bihar Act VIII of 1948.*—In section 72, of the said Act, after the word and figures "section 61" the following shall be inserted, namely :—

"and the members of the Majlis or of a committee appointed by the Majlis under this Act,"

9. *Amendment of section 80 of Bihar Act VIII of 1948* —To section 80 of the said Act, the following proviso shall be added, namely :—

"Provided that if the State Government do not approve and confirm such bye-laws within four months from the date of receipt thereof by the State Government the said bye-laws shall be deemed to have been approved and confirmed on the expiry of the said four months."

The Bihar Excise (Amendment) Act, 1951.

The following Act of the Bihar Legislature has been assented to by the Governor on the 24th May 1951 [Vide Notification No. Lg.-1-051/51-Leg.—1162 of the Legislative Department, dated the 1st June 1951, published in the *Bihar Gazette*, Part IV, dated the 6th June 1951.]

Bihar Act XIX of 1951.

An Act to amend the Bihar and Orissa Excise Act, 1951.

WHEREAS it is expedient to amend the Bihar and Orissa Excise Act, 1915, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Excise (Amendment) Act, 1951.

2. *Amendment of section 34 of B. and O. Act II of 1915.*—In sub-section (2) of section 34 of the Bihar and Orissa Excise Act, 1915 (B. and O. Act II of 1915) (hereinafter referred to as the said Act), the words and brackets "to the Commissioner of the Division who shall consider the same, and shall forward them, with his own opinion and recommendations (if any)," shall be omitted.

3. *Amendment of section 35 of B. and O. Act II of 1915.*—In section 35 of the said Act, the proviso shall be omitted.

4. *Amendment of section 41 of B. and O. Act II of 1951.*—In sub-section (2) of section 41 of the said Act, the words, figures and brackets "or (where a reference is made to the Board under section 35) the Board," shall be omitted.

The Bihar Premises Requisition (Temporary Provisions) (Amendment) Act, 1951.

The following Act of the Bihar Legislature has been assented to by the President on the 14th June, 1951 [Vide Notification No. LG-1-036/51 -Leg., of the Legislative Department, dated the 3rd May 1951, published in the *Bihar Gazette*, Part IV, dated the 3rd July 1951.]

Bihar Act XXII of 1951.

An Act to amend the Bihar Premises Requisition (Temporary Provisions) Act, 1949.

WHEREAS it is expedient to amend the Bihar Premises Requisition (Temporary Provisions) Act, 1949 (Bihar Act XV of 1950), in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bihar Premises Requisition (Temporary Provisions) (Amendment) Act, 1951.

2. *Amendment of section 2 of Bihar Act XV of 1950.*—In section 2 of the Bihar Premises Requisition (Temporary Provisions) Act, 1949 (Bihar Act XV of 1950) hereinafter referred to as the said Act),—

(i) for clause (b), the following clause shall be substituted, namely :—

"(b) 'owner' of any premises includes every person from time to time deriving title under the owner and any person who for the time being is receiving, or is entitled to receive, the rent of any premises whether on his own account or on account, or on behalf or for the benefit, of any other person, or as a trustee, guardian or receiver for any other person or who would so receive the rent, or be entitled to receive the rent, if the premises were let to a tenant and includes a legal representative, as defined in the Code of Civil Procedure, 1908 (V of 1908), and a tenant who sublets any premises ;" and

(ii) in clause (d), for the words "which is, or intended to be, let separately for residential or non-residential purposes", the words "in which the owner does not ordinarily reside or carry on business or personally work for gain" shall be substituted.

3. *Amendment of section 3 of Bihar Act XV of 1950.*—In sub-section (2) of section 3 of the said Act, for the words "the landlord", the words "the owner" shall be substituted.

4. *Amendment of section 4 of Bihar Act XV of 1950.*—In section 4 of the said Act,—

(i) in clause (b) of sub-section (1), for the words "the landlord", the words "the owner" shall be substituted ; and

(ii) in sub-section (2)—

(a) for the words "a landlord", the words "an owner" shall be substituted ;

(b) for the words "the landlord", where they occur for the first time, the words "the owner" shall be substituted ; and

(c) for the words "the landlord" where they occur for the second time, the words "the owner" shall be substituted.

5. *Amendment of section 5 of Bihar Act XV of 1950.*—In section 5 of the said Act, for the word "landlord", the word "owner" shall be substituted.

PART VIII
ASSAM ACTS

The Assam Drugs (Control) Act, 1950.

The following Act of the Assam Legislative Assembly received the assent of the President on the 7th January, 1951 [Vide Notification No. L-782/50/8, of the Legislative Department, dated the 24th January 1951, published in the *Assam Gazette*, Part IV, dated the 24th January 1951.]

Assam Act I of 1951

An Act to provide for the control of the sale, supply and distribution of drugs.

Preamble.—Whereas it is expedient to control the sale, supply and distribution of drugs.

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Drugs (Control) Act, 1950.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force at once.

2. *Interpretation.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "dealer" means a person carrying on, either personally or through any other person, the business of selling any drugs, whether wholesale or retail ;

(b) "drug" means any drug as defined in clause (b) of section 3 of the Drugs Act, 1940 (Act XXIII of 1940), in respect of which a declaration has been made under section 3 ;

(c) "offer for sale" includes a reference to an intimation by a person of the price proposed by him for sale of any drug, made by the publication of a price list, by exposing the drug for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever ;

(d) "producer" includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person or when held by that person on behalf of another person ;

(ii) notwithstanding that it is mortgaged to another person.

3. *Drugs to which this Act applies* —The State Government may, by notification in the Official Gazette, declare any drug to be a drug to which this Act shall apply.

4. *Fixing of maximum prices and maximum quantities which may be held or sold:*—(1) The State Government may, by notification in the official Gazette, fix in respect of any drugs -

(a) the maximum price or rate which may be charged by a dealer or producer ;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer ;

(c) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this section may be different in different localities or for different classes of dealers or producers.

5. *Restrictions on sale, etc., where maximum is fixed under section 4.*— No dealer or producer shall—

(a) sell, agree to sell, offer for sale or otherwise dispose of to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4;

(b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4 ; or

(c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any drugs exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4.

6 *General limitation on quantity which may be possessed at one time.*—(1) No person shall have in his possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

(2) This section shall apply only to such drugs as the State Government may, by order published in the official Gazette, specify for the purpose :

Provided that nothing contained in this section shall apply to a dealer or producer in respect of any drug sold or produced by him.

7. *Duty to declare possession of excess stocks* —Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the State Government or other officer empowered in this behalf by the State Government and shall take such action as to the storage, distribution or disposal of the excess quantity as the State Government may direct.

8. *Refusal to sell.*—No dealer or producer shall, unless previously authorised to do so by the State Government without sufficient cause refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

Explanation.—The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

9. *Cash memorandum to be given of certain sales.*—(1) Every dealer or producer when selling any drug for cash shall, if the amount of the purchase is five rupees or more, in all cases, and, if the amount of the purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The State Government may, by notification in the official Gazette, prescribe the particulars to be contained in any such cash memorandum.

(3) The State Government may, by notification in the official Gazette, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

10. *Marking of prices and exhibiting prices list.*—(1) The State Government may direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(2) No dealer shall destroy, efface or alter any label or mark affixed to a drug and indicating the price marked by a producer.

11. *Obligation to state price separately on composite offer.*—Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any drug and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to that drug, if he is required to do so

by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell that drug at the price so stated.

12. *Prohibition or regulation of the disposal of drugs.*—If in the opinion of the State Government it is necessary or expedient so to do, they may, by order in writing—

(a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order ;

(b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order ;

and make such further orders as appear to them to be necessary or expedient in connection with any order issued under this section.

13. *Penalties* —(1) Whoever contravenes any of the provisions of this Act, fails to comply with any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) A Court convicting any persons of an offence punishable under this Act may order that the whole or any part of the stock of drugs in respect of which the offence was committed shall be forfeited to the Government.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of this section to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

14. *Offence by Corporations.*— Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every Director, Manager, Secretary, Agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of of such offence.

15. *Procedure.*—(1) No person other than a Police officer of or above the rank of an Inspector of Police or an officer not below the rank of an Inspector of Police authorised in this behalf by the State Government by notification in the official Gazette, shall investigate any offence under this Act.

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the District Magistrate.

16. *Powers of search and seizure.* —Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being committed and take possession of any stock of drugs in respect of which the offence has been or is being committed and the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall so far as may be applicable, apply to any search and seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

17. *Power to make rules.*—(1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

(a) the maintenance by dealers and producers generally, or by any

dealer or producer in particular, of records of all sale and purchase transactions made by them ;

(b) the furnishing of any information as may be required with respect to the business carried on by any dealer or producer ;

(c) the inspection of any books of account or other documents belonging to, or under the control of, any dealer or producer.

18. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

19. *Saving of other laws.*—The provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

The Assam Maintenance of Public Order (Amendment) Act, 1951.

The following Act of the Assam Legislative Assembly received the assent of His Excellency the Governor of Assam on the 5th April 1951 [Vide Notification No. L. 26/51/4, of the Legislative Department, dated the 11th April 1951, published in the *Assam Gazette*, Part IV, dated the 11th April 1951.]

Assam Act VII of 1951

An Act further to amend the Assam Maintenance of Public Order Act, 1947.

Preamble.—Whereas it is expedient further to amend the Assam Maintenance of Public Order Act, 1947 (Assam Act V of 1947), hereinafter called the principal Act, in the manner hereinafter appearing :

It is hereby enacted as follows—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Maintenance of Public Order (Amendment) Act, 1951.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

2. *Amendment of the long title of Assam Act V of 1947.*—In the long title of the principal Act the words "connected with matters within the exclusively State Legislative field" shall be deleted.

3. *Amendment of section 2 of Assam Act V of 1947.*—In section 2 of the principal Act—

(a) In sub-section (5) the words "without prejudice to the provisions of sub-section (6)" shall be deleted.

(b) Sub-section (6) shall be deleted.

(c) In sub-section (7), the words "directing that he be detained" shall be deleted and the sub-section shall be renumbered as sub-section (6).

(d) In the sub-clause (a) of sub-section (7) for the words "directing that he be detained", the words "under clause (a) or (b) of sub-section (1) of section 2" shall be substituted.

(e) In sub-section (8) the words "other than an order of a nature referred to in clause (b) of sub-section (6)" shall be deleted and this sub-section shall be renumbered as sub-section (7).

4. *Amendment of section 4 of Assam Act V of 1947.*—The proviso to section 4 of the principal Act shall be deleted.

5. Section 4A shall be deleted.

6. *Amendment of section 6 of Assam Act V of 1947.*—In sub-section (1) of section 6 of the principal Act, for the words "securing public safety, public order or supplies and services essential to the life of the community" the words "maintaining public order" shall be substituted.

7. *Amendment of section 7 of Assam Act V of 1947.*—In sub-section

(1) of section 7 of the principal Act, the words "of public security or maintenance" shall be deleted.

8 *Deletion of section 8 of Assam Act V of 1947.*—Section 8 of the principal Act, shall be deleted.

9. Section 8A of the principal Act shall be renumbered as section 8.

10. *Deletion of sub-clause (iii) of section 8A (1)(b) of Assam Act V of 1947.*—Sub-clause (iii) of sub-section (1)(b) of section 8A shall be deleted.

11. Sub-clause (iv) of sub-section (1) (b) of section 8A shall be renumbered as sub-clause (iii).

12. *Deletion of section 8B of Assam Act V of 1947.*—Section 8B of the principal Act shall be deleted.

13. In sub-section (1) of section 8C of the principal Act, for the words "securing or maintaining public safety, public order or preventing or suppressing activities which in the opinion of the State Government are subversive of law and order," the words "preventing activities, which in their opinion undermine the security of, or tend to overthrow the State," shall be substituted and this section shall be renumbered as section 8A.

14. *Definition of prejudicial Act*—(1) In the Explanation under section 8D of the principal Act, for "(a)" the following shall be substituted, namely :—

"(a) 'prejudicial Act' means any act, including shouting slogans which is intended or is likely to undermine the security of, or tends to overthrow the State".

(2) *Amendment of section 8D of Assam Act V of 1947.*—In the proviso to the Explanation under section 8D of the principal Act for the words, "endanger the safety or stability of the State" the words "undermine the security of or tend to overthrow the State", shall be substituted, and this section shall be renumbered as section 8B.

15. Section 8E of the principal Act shall be renumbered as section 8C.

16. Section 8F of the principal Act shall be renumbered as section 8D.

17. *Substitution of section 9 of Assam Act V of 1947.*—For section 9 of the principal Act the following shall be substituted, namely :—

"9. The State Government may by order direct that any power or duty except the power to make orders under section 2 (1)(a) and (b), which is conferred or imposed on the State Government shall in such circumstances and under such conditions, if any, as may be sepecified in that direction be exercised or discharged by an officer not below the rank of a District Magistrate or Additional District Magistrate".

The Assam Disturbed Areas Act, 1951.

The following Act of the Assam Legislative Assembly received the assent of His Excellency the Governor of Assam on the 5th April 1951 [Vide Notification No. L. 45/51/2, of the Legislative Department, dated the 11th April 1951, published in the *Assam Gazette*, Part IV, dated the 11th April 1951.]

Assam Act VIII of 1951

An Act to make better provision for the suppression of disorder, and for the restoration and maintenance of public order, in the disturbed areas in Assam.

Preamble.—Whereas it is necessary to make better provision for the suppression of disorder, and for the restoration and maintenance of public order, in the disturbed areas in Assam ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Disturbed Areas Act, 1951.

(2) It extends to the whole of Assam.

(3) It shall come into force at once and shall remain in force for 12 months.

2. *Definition.*—In this Act,

"Disturbed area" means an area which is for the time declared by Notification under section 3 to be a disturbed area.

3. *Power to declare areas to be disturbed areas.*—The State Government may, by Notification in the official Gazette, declare that the whole or any such part of Assam as may be specified in the Notification is a disturbed area.

4. *Power to fire upon persons contravening certain orders.*—Any Magistrate or any Police Officer not below the rank of Assistant Sub-Inspector, may, if in his opinion it is necessary so to do for the maintenance of public order, after giving such warning, if any, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in a disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or things capable of being used as weapons.

5. *Protection of persons acting under section 4.*—No suit, prosecution or other legal proceeding shall be instituted, except with the previous sanction of the State Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 4.

The Assam Prohibition of Smoking in Show Houses Act, 1951.

The following Act of the Assam Legislative Assembly received the assent of His Excellency the Governor of Assam on the 10th April 1951 [Vide Notification No. L. 21/51/9, of the Legislative Department, dated the 18th April 1951, published in the *Assam Gazette*, Part IV, dated the 18th April 1951.]

Assam Act IX of 1951

An Act to prohibit smoking in cinema halls and other show houses in Assam.

WHEREAS it is expedient to prohibit smoking in show houses in Assam ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Assam Prohibition of Smoking in Show Houses Act, 1951.

It extends to the whole of Assam.

(3) It shall come into force on such date and at such places as the State Government may, by notification in the official Gazette, appoint.

2. *Definition.*—In this Act,—

"show house" means any building, tent, or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise, of cinematographic films, dramatical or musical performances, dances, physical feats of human beings or animals, conjuring tricks or sleights of hand, or any other indoor amusement whatsoever, but does not inclde such building or tent or roofed or enclosed structure in which meals are served along with the demonstration or exhibition.

3. *Penalty for smoking in show houses.*—Whoever smokes, during a

demonstration, or exhibition, in any part of a show house reserved for the audience or the spectators shall be punishable with fine which may extend to one hundred rupees.

Explanation.– For the purpose of this section "demonstration or exhibition" shall be deemed to commence when the audience or the spectators or any part of them have entered the show house to witness a show therein and to continue until they have left the house after the close of the show.

4. *Power to arrest without warrant.* – Any police officer not below the rank of Sub-Inspector may arrest without warrant any person committing an offence under section 3 in his presence.

5. *Management to post notices or exhibit slides.* (1) Every person responsible for the management of a demonstration or exhibition in a show house shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides, that any person smoking during a demonstration or exhibition, in any part of such house reserved for the audience or spectators shall be liable to arrest without warrant and to fine.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred rupees.

6. *Power to exclude from the operation of the Act.*—The State Government or any officer of the State Government authorised in this behalf may, by general or special order in writing, direct that the provisions of this Act shall not apply in respect of any show house or any demonstration or exhibition therein.

The Assam Opium Prohibition (Third Amendment) Act, 1951.

The following Act of the Assam Legislative Assembly received the assent of His Excellency the Governor of Assam on the 11th April 1951 [Vide Notification No.L. 24/51/7, of the Legislative Department, dated the 18th April 1951, published in the *Assam Gazette*, Part IV, dated the 18th April 1951.]

Assam Act X of 1951.

An Act further to amend the Assam Opium Prohibition Act, 1947

Preamble.—Whereas it is expedient to amend further the Assam Opium Prohibition Act, 1947 (Assam Act XXIII of 1947), hereinafter called the "Principal Act", for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title* —(1) This Act may be called the Assam Opium Prohibition (Third Amendment) Act, 1951.

(2) *Commencement* —It shall come into force at once.

(3) *Extent.*—It shall have the like extent as the Principal Act (Assam XXIII of 1947).

2. *Amendment of Section 5 of Assam Act XXIII of 1947.*—In Section 5 of the Principal Act—

(i) the words "or" occurring at the end in item (i) of clause (d) be deleted ;

(ii) after item (ii) in clause (d), the following shall be inserted as items (iii) and (iv)—

"(iii) weighing opium, or

(iv) preserving opium,"

The Assam Maintenance of Public Order (Second Amendment) Act, 1951.

The following Act of the Assam Legislative Assembly received the assent of His Excellency the Governor of Assam on the 1st October 1951 [Vide Notification No. L. 69/51/7, of the Legislative Department, dated the 1st October 1951, published in the *Assam Gazette*, Part IV, dated the 10th October 1951.]

Assam Act XXI of 1951

An Act further to amend the Assam Maintenance of Public Order Act of 1947.

Preamble —Whereas it is expedient further to amend the Assam Maintenance of Public Order Act, 1947 (Assam Act V of 1947), hereinafter called the principal Act, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Assam Maintenance of Public Order (Second Amendment) Act, 1951.

(2) It shall have the like extent as the principal Act.

2. *Amendment of sub-section (7) of section 2 of Assam Act V of 1947.*— In the sixth line of sub-section (7) of section 2 of the principal Act, for the figure "3" the figure "4" shall be substituted.

3. *Commencement and saving.*—(1) This Act shall be deemed to have taken effect on and from the date of commencement of the Assam Maintenance of Public Order (Amendment) Act, 1949 (Assam Act XII of 1949), as if on that date, this Act had been in force.

(2) Any act or thing done, proceedings commenced, order made or liability incurred under the provisions of the principal Act which would have been validly and properly done, commenced, made or incurred under the principal Act, if sub-section (7) of section 2 of the principal Act had been as provided by this Act, shall be deemed to have been validly and properly done, commenced, made or incurred thereunder.

PART IX
WEST BENGAL ACTS

The Bengal Nurses (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 664L, of the Legislative Department, dated the 30th March 1950, published in the *Calcutta Gazette*, Part III, dated the 31st March 1950.]

West Bengal Act XXI of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1950.]

An Act further to amend the Bengal Nurses Act, 1934.

WHEREAS on account of the Province of Bengal having ceased to exist and the constitution in lieu thereof of the two new Provinces of West Bengal and East Bengal under the Indian Independence Act, 1947 (10 and 11 Geo. VI, c. 30), the bodies of electors and the electoral rolls of the Bengal Nursing Council are not applicable for election of members of the West Bengal Nursing Council ;

AND WHEREAS it is expedient for election of members of the West Bengal Nursing Council further to amend the Bengal Nurses Act, 1934 (Ben. Act X of 1934) ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Nurses (West Bengal Amendment) Act, 1950.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

2. *Amendment of section 4 of Bengal Act X of 1934.*—In section 4 of the Bengal Nurses Act, 1934, after the proviso, the following proviso shall be added, namely :—

"Provided further that no person shall be entitled to vote at the election of a person to be a member of the Council under clause (k), clause (l) or clause (m) or to be elected as such a member unless he is—

(i) a citizen of India ; and

(ii) resides, or carries on his profession or is employed in West Bengal."

The West Bengal Animal Slaughter Control Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 706L, of the Legislative Department, dated the 4th April 1950, published in the *Calcutta Gazette*, Part III, dated the 6th April 1950.]

West Bengal Act XXII of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 6th April, 1950.]

An Act to control the slaughter of certain animals.

WHEREAS it is expedient to control the slaughter of certain animals with a view to increase the supply of milk and to avoid the wastage of animal power necessary for improvement of agriculture ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement*—(1) This Act may be called the West Bengal Animal Slaughter Control Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different parts of West Bengal.

2. *Application of Act.*—This Act applies to the animals specified in the Schedule.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(i) "animal" means an animal to which this Act applies;

(ii) "Calcutta" has the same meaning as in clause (11) of section 3 of the Calcutta Municipal Act, 1923 (Ben. Act III of 1923);

(iii) "President of a municipality" means any person presiding over the affairs of any municipal authority by whatever name he may be called, and includes any person nominated by him for the purposes of this Act;

(iv) "prescribed" means prescribed by rules made under this Act;

(v) "Veterinary Assistant Surgeon" means,—

(a) in areas other than Calcutta, a Veterinary Assistant Surgeon, and

(b) in Calcutta, a Veterinary Assistant Surgeon of the West Bengal Civil Veterinary Department acting within the local limits of his jurisdiction, and

(vi) "Veterinary Officer" means,—

(a) in areas other than Calcutta, a District Veterinary Officer, and

(b) in Calcutta, a Superintendent of Veterinary Services (Headquarters) of the West Bengal Civil Veterinary Department acting within the local limits of his jurisdiction.

4. *Prohibition of slaughter of animal without certificate*—(1) Notwithstanding anything in any other law for the time being in force or in any usage to the contrary, no person shall slaughter any animal unless he has obtained in respect thereof a certificate under sub-section (2) or sub-section (3) that the animal is fit for slaughter.

(2) The President of a municipality and the Veterinary Assistant Surgeon may issue a certificate under their joint signatures that an animal is fit for slaughter if they are both of opinion (which shall be recorded) that—

(a) the animal is over fourteen years of age and unfit for work or breeding, or

(b) the animal has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease.

(3) Where there is a difference of opinion between the President of a municipality and the Veterinary Assistant Surgeon as to the issue of a certificate under sub-section (2), the matter shall be referred to the Veterinary Officer and a certificate shall be issued or refused according as the Veterinary Officer is of opinion that the animal is fit to be slaughtered or is not so fit.

(4) Where under sub-section (3) a certificate is issued or refused, the order granting or refusing the issue of the certificate shall be signed by the Veterinary Officer

(5) Any person aggrieved by the refusal to issue a certificate under this section may, within fifteen days from the date of communication to him of such refusal, appeal to the State Government against the order of refusal, and the State Government may pass such orders thereon as it thinks fit.

(6) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any action taken under this section, call for and examine the record of any case, and may pass such orders thereon as it thinks fit.

(7) Subject to the provisions of this section, any action taken under this section shall be final and shall not be called in question in any court.

5. *Prohibition of slaughter of animals in places not prescribed for the purpose.*—No animal in respect of which a certificate has been issued under section 4 shall be slaughtered in any place other than a place prescribed in this behalf.

6. *Power to enter and inspect premises.*—(1) For the purpose of enforcing the provisions of this Act, the President of a municipality or the Veterinary Assistant Surgeon or any person, authorised by the Veterinary Assistant Surgeon in writing in this behalf, shall have power to enter and inspect any premises within the local limits of his jurisdiction where he has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the President of a municipality, the Veterinary Assistant Surgeon or the person authorised, as the case may be, such access to the premises as he may require for the aforesaid purpose, and shall answer any question put to him by the President of a municipality, the Veterinary Assistant Surgeon or the person authorised, as the case may be, to the best of his knowledge or belief.

7. *Penalties.*—Whoever contravenes any of the provisions contained in this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

8. *Offences to be cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), all offences under this Act shall be cognizable.

9. *Abetments and attempts.*—Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

10. *Officers exercising powers under this Act deemed to be public servants.*—All Presidents of municipalities, Veterinary Assistant Surgeons, Veterinary Officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

11. *Protection of persons acting in good faith.*—No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

12. *Power to grant exemptions.*—The State Government may, by general or special order and subject to such conditions as it may think fit to impose, exempt from the operation of this Act the slaughter of any animal for any religious, medicinal or research purposes.

13. *Delegation of functions.*—The State Government may, by notification in the *Official Gazette*, delegate to any officer of State Government all or any of its powers or functions under sub-sections (5) and (6) of section 4, or section 12.

14. *Power to make rules.*—(1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form and manner in which applications for certificates under section 4 shall be made ;

(b) the fees payable for any certificate which may be issued under section 4 and the form of such certificates ;

(c) the places in which animals may be slaughtered in pursuance o this Act ;

(d) the conditions subject to which the slaughter of any animal may be permitted under section 12.

THE SCHEDULE

(*See* section 2.)

Bulls.
Bullocks.
Cows.
Calves.
Male and female buffaloes.
Buffalo calves.
Castrated buffaloes.

The Calcutta Sheriff's Amendment Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 7071 L, of the Legislative Department, dated the 4th April 1950, published in the *Calcutta Gazette*, Part III, dated the 6th April 1950.]

West Bengal Act XXIII of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 6th April, 1950.]

An Act to amend the Calcutta Sheriff's Act, 1948.

WHEREAS it is expedient to amend the Calcutta Sheriff's Act, 1948 (West Ben. Act XXX of 1948), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Calcutta Sheriff's (Amendment) Act, 1950.

(2) It shall be deemed to have come into force on the 20th day of December, 1948

2. *Amendment of section 3 of West Bengal Act XXX of 1948*.—In subsection (2) of section 3 of the Calcutta Sheriff's Act, 1948 (hereinafter referred to as the said Act), for the word "allowances" wherever it occurs the word "remuneration" shall be substituted.

3. *Amendment of section 4*.—In section 4 of the said Act, for the word "allowances" the word "remuneration" shall be substituted.

4. *Amendment of section 8*.—In section 8 of the said Act, for subsection (1), the following sub-section shall be substituted namely :—

"(1) The Consolidated Fund of the State shall be liable to make good all sums required to discharge any liability from which the Sheriff, the Deputy Sheriff or their subordinates are exempted under the provisions of section 7".

5. *Amendment of section 9*.—In section 9 of the said Act, for the word "fees", wherever it occurs the words "fees, poundage and charges" shall be substituted.

6. *Amendment of section 10*.—In section 10 of the said Act, the words

"prior to the commencement of this Act" and the words "at the date of the commencement of this Act" shall be omitted.

7 *Amendment of section 12.*—In sub-section (2) of section 12 of the said Act,—

(1) in clause (a), for the word "allowances" the word "remuneration" shall be substituted ; and

(2) in clause (c), after the word "fees" the words "poundage and charges," shall be inserted.

The Bengal (Rural) Primary Education (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 708L, of the Legislative Department, dated the 6th April 1950, published in the *Calcutta Gazette*, Part III, dated the 6th April 1950]

West Bengal Act XXIV of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 6th April, 1950.]

An Act further to amend the Bengal (Rural) Primary Education Act, 1930.

WHEREAS it is expedient further to amend the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bengal (Rural) Primary Education (West Bengal Amendment) Act, 1950.

2. *Amendment of section 34 of Bengal Act VII of 1930.*—In section 34 of the Bengal (Rural) Primary Education Act, 1930 (hereinafter referred to as the said Act),—

(a) in sub-section (1) for the words "or profession" the words "profession, employment, vocation or calling" shall be substituted ;

(b) in sub-section (3) for the words "shall collect the tax as if it were the union rate or the chaukidari rate.", the following words and proviso shall be substituted, namely :—

"shall collect and shall have power to collect the tax in the same manner as the union rate or the chaukidari rate :

Provided that the period within which the tax may be collected, shall be three years from the date on which the tax becomes due." ; and

(c) to sub-section (5), the following proviso shall be added, namely—

"Provided that the Union Board or Panchayat shall in addition be entitled to claim and retain ten *per cent.* of the total collection made by it during any financial year out of the taxes assessed under sub-section (2) for that financial year, if such total collection amounts to at least eighty *per cent.* of the aggregate of the taxes assessed for that financial year under that sub-section".

3. *Amendment of section 56.*—In section 56 of the said Act for the words "in any area for which the Union Board, Union Committee or Panchayat, has been constituted" the words "in any area lying within the jurisdiction of a Union Board, Union Committee or Panchayat" shall be substituted.

The Bengal Municipal (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 750L., of the Legislative Department, dated the 12th April 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 12th April 1950.]

West Bengal Act XXV of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th April, 1950.]

An Act further to amend the Bengal Municipal Act, 1932.

WHEREAS it is expedient further to amend the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Municipal (West Bengal Amendment) Act, 1950.

(2) This section and sections 2 and 3 shall be deemed to have come into force on the 26th day of January, 1950, and section 4 shall come into force at once.

2. *Substitution of new section for section 19 of Bengal Act XV of 1932.*—For section 19 of the Bengal Municipal Act, 1932 (hereinafter referred to as the said Act), the following section shall be substituted, namely :—

"19. *Representation of Scheduled Tribes.*—(1) The State Government, if it considers necessary may, by order published in the *Official Gazette*, reserve for members of the Scheduled Tribes a number of seats among the seats to which the Commissioners of a municipality are to be elected.

(2) The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to which the Commissioners are to be elected as the population of the Scheduled Tribes in the municipality bears to the total population therein.

(3) No member of the Scheduled Tribes for members of which seats are reserved under sub-section (1) shall, if eligible for election, be disqualified from election to any seat not so reserved.

(4) In this section, the expression 'Scheduled Tribes' has the same meaning as in clause (25) of article 366 of the Constitution of India".

3. *Amendment of section 44.*—In section 44 of the said Act, clause (d) shall be omitted.

4. *Amendment of section 57.*—In sub-section (1) of section 57 of the said Act,—

(a) after the word "make" the words "and subscribe" shall be inserted; and

(b) for the words and brackets "solemnly swear (or affirm) that I will be faithful and bear true allegiance" the words and brackets "swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance" shall be substituted.

The Bengal Village Self-Government (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 751L, of the Legislative Department, dated the 12th April 1950, published in *Calcutta Gazette*,

Extraordinary, Part III, dated the 12th April, 1950.]

West Bengal Act XXVI of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th April, 1950.]

An Act further to amend the Bengal Village Self-Government Act, 1919.

WHEREAS it is expedient further to amend the Bengal Village Self-Government Act, 1919 (Ben. Act V of 1919) for the purpose and in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Village Self-Government (West Bengal Amendment) Act, 1950.

2. It shall be deemed to have come into force on the 26th day of January, 1950.

2. *Amendment of section 7 of Bengal Act V of 1919.*—In sub-section (1) of section 7 of the Bengal Village Self-Government Act, 1919, the word "male" shall be omitted.

The Bengal Local Self-Government (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 752L, of the Legislative Department, dated the 12th April, 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 12th April, 1950.]

West Bengal Act XXVII of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th April, 1950.]

An Act further to amend the Bengal Local Self-Government Act of 1885.

WHEREAS it is expedient further to amend the Bengal Local Self-Government Act of 1885 (Ben. Act III of 1885), for the purposes and in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Local Self-Government (West Bengal Amendment) Act, 1950.

(2) This section and all other sections except section 7 shall be deemed to have come into force on the 26th day of January, 1950, and section 7 shall come into force at once.

2. *Definition.*—For the purposes of this Act, the expression "non-union board areas" means areas not under the administration of union boards established under the Bengal Village Self-Government Act, 1919 (Ben. Act V of 1919)

3. *Amendment of section 7A of Bengal Act III of 1885.*—In sub-section (1) of section 7A of the Bengal Local Self-Government Act of 1885 (hereinafter referred to as the said Act), the word "male" shall be omitted.

4. *Amendment of section 9.*—In the proviso to section 9 of the said Act as in force in non-union board areas, the word "male" shall be omitted

5 *Substitution of new section for section 10A.*—For section 10A of the said Act, the following section shall be substituted, namely :—

"10A. *Representation of Scheduled Tribes.*—(1) The State Government if it considers necessary, may, by order published in the *Official Gazette*, reserve for members of the Scheduled Tribes a number of seats

on a District Board or Local Board among the seats to which members of the District Board or Local Board are to be elected.

(2) The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to which the members of the District Board or Local Board are to be elected as the population of the Scheduled Tribes in the area under the authority of the District Board or Local Board bears to the total population in such area.

(3) No member of the Scheduled Tribes for members of which seats are reserved under sub-section (1) shall, if eligible for election, be disqualified from election to any seat not so reserved.

(4) In this section, the expression 'Scheduled Tribes' has the same meaning as in clause (25) of article 366 of the Constitution of India."

6. *Amendment of section 13.*—In the proviso to section 13 of the said Act as in force in non-union board areas, the word "male" shall be omitted.

7. *Amendment of section 16B* —In sub section (1) of section 16B of the said Act, —

(a) after the word "make" the words "and subscribe" shall be inserted ; and

(b) for the words and brackets "solemnly swear (or affirm)" the words and brackets "swear in the name of God (or solemnly affirm)" shall be substituted.

8. *Amendment of section 36E.*—In sub-section (1) of section 36E of the said Act, the word "male" shall be omitted.

9. *Amendment of section 138.*—In section 138 of the said Act, clause (aa) shall be omitted.

The Indian Registration (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 772L, of the Legislative Department, dated the 18th April 1950, published in the *Calcutta Gazette*, Part III, dated the 20th April 1950.]

West Bengal Act XXIX of 1950.

[*Passed by the West Bengal Legislature*]

[Assent of the President was first published in the *Calcutta Gazette*, of the 20th April, 1950.]

An Act further to amend the Indian Registration Act, 1908 in its application to West Bengal.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908 (XVI of 1908), in its application to West Bengal for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Indian Registration (West Bengal Amendment) Act, 1950.

(2) It extends to the whole of West Bengal.

2 *Application of Act.*—The Indian Registration Act, 1908 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be further amended for the purpose and in the manner hereinafter provided.

3. *Insertion of new section 55A in Act XVI of 1908* —After section 55 of the said Act the following new section shall be inserted, namely :—

"55A. *Photographic copies of books and indexes to be as good as origi-*

nal books and indexes in certain cases.—Notwithstanding anything contained in any other law for the time being in force, copies made by photography of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947 in registration offices situate in districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 2 of the Indian Independence Act, 1947 (10 & 11, Geo. VI, c. 30), have fallen partly within West Bengal and partly within East Bengal, shall for the purposes of this Act be deemed to have taken the place of and to be the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies.

The West Bengal State Laws (Extension to Cooch Behar) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 7731, of the Legislative Department, dated the 20th April 1950, published in the *Calcutta Gazette*, Part III, dated the 20th April 1950.]

West Bengal Act XXX of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, of the 20th April, 1950.]

An Act to provide for the extension of certain laws to Cooch Behar

WHEREAS it is expedient to provide for the extension of certain laws to the territories comprised in the merged State of Cooch Behar (in this Act referred to as Cooch Behar);

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the West Bengal State Laws (Extension to Cooch Behar) Act, 1950.

2. *Extension of laws.*—(1) The Acts specified in the Schedule are hereby extended to, and shall be in force in, Cooch Behar.

(2) All rules, orders, regulations, by-laws, delegations and appointments made, all notifications, directions and instructions issued, all forms prescribed and all schemes and instruments framed or executed under the Acts specified in the Schedule shall, as far as may be, apply to Cooch Behar.

3. *Repeal of corresponding laws.*—If immediately before the commencement of this Act there is in force in Cooch Behar an Act, Ordinance, Regulation or other law corresponding to an Act specified in the Schedule, such corresponding law shall upon the commencement of this Act, stand repealed.

4. *Savings.*—(1) The repeal by section 3 of any corresponding law in force in Cooch Behar immediately before the commencement of this Act shall not affect—

(a) the previous operation of any such law or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1) anything done or any action taken including any rule, order, regulation, by law, delegation or appointment made, any notification, direction or instruction issued, any form prescribed, any scheme or instrument framed or executed, any certificate, patent, permit or licence granted or registration effected, under such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Act as now extended to Cooch Behar, and shall continue in force accordingly unless and until superseded by anything done or any action taken under the said Act.

5. *Powers of Courts and other authorities for purposes of facilitating application of laws.*—For the purpose of facilitating the application of any Act specified in the Schedule any Court or other authority may construe such Act with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court or other authority.

6. *Removal of difficulties.*—If any difficulty arises in giving effect to any provisions of this Act or of any Act extended to Cooch Behar by this Act the State Government, as occasion may require, may by order do anything which appears to the State Government to be necessary for the purpose of removing the difficulty.

THE SCHEDULE

[*See* section 2(1)]

Year. (1)	Number (2)	Short title. (3)
		Acts.
1919	IV	The Bengal Primary Education Act, 1919.
1930	VI	The Bengal Criminal Law Amendment Act, 1930.
1930	VII	The Bengal (Rural) Primary Education Act, 1930.
1940	XXI	The Bengal Co operative Societies Act, 1940.
1948	XIII	The West Bengal Factories and Mines (Control of Dismantling) Act, 1948.
1948	XXXII	The West Bengal Black Marketing Act, 1948.

The West Bengal Security (Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1969L, of the Legislative Department, dated the 5th November 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 5th November 1950.]

West Bengal Act XLVI of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 5th November 1950.]

An Act to amend the West Bengal Security Act, 1950

WHEREAS it is expedient to amend the West Bengal Security Act, 1950 (West Ben. Act XIX of 1950), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Security (Amendment) Act, 1950.

(2) Sections 2, 3, 5 and 6 shall come into force on the date on which the West Bengal Security (Amendment) Ordinance, 1950 (West Ben. Ord. XI of 1950), and the West Bengal Security (Second Amendment) Ordinance, 1950 (West Ben. Ord. XIV of 1950), cease to operate ; the rest of the Act shall come into force at once.

2. *Amendment of section 2 of West Bengal Act XIX of 1950.*—For clause (4) of section 2 of the West Bengal Security Act, 1950 (hereinafter referred to as the said Act), the following clause shall be substituted, namely :—

"(4) 'prejudicial report' means any report, statement or visible representation which undermines the security of the State or tends to overthrow the State;".

3. *Amendment of section 13.*—In section 13 of the said Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The State Government, if satisfied that the printing, publication, sale or distribution of any matter relating to a particular subject or class of subjects will undermine the security of the State or tends to overthrow the State, may by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

(a) require that any matter relating to such subject or class of subjects shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order ;

(b) prohibit or regulate the printing, publication, sale or distribution of any document or class of documents containing any matter relating to such subject or class of subjects ;

(c) prohibit or regulate the use of any press, as defined in the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), for the purpose of printing, any document or class of documents containing any matter relating to such subject or class of subjects "

(b) in sub-section (2), for the words, brackets and figures "published or made in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document" the following words, brackets and figures shall be substituted, namely :—

"printed, published, sold or distributed in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used for the purpose of printing such document."

4. *Insertion of new section 21A.*—After section 21 of the said Act, the following section shall be inserted, namely :—

"21A. *Power of photographing, etc., persons in respect of whom order has been made under section 21(1) (a).*—(1) The Commissioner of Police in Calcutta and the District Magistrate elsewhere may, subject to the control of the State Government, direct a person in respect of whom an order under clause (a) of sub-section (1) of section 21 has been made that such person shall—

(a) permit himself to be photographed ;

(b) allow his finger and thumb impressions to be taken ;

(c) furnish specimens of his handwriting and signature ; and

(d) attend at such times and places as may be necessary for all or any of the foregoing purposes

and such person shall comply with such direction.

Explanation —In this sub-section 'Calcutta' has the same meaning as in section 17.

(2) If any person fails to comply with or attempts to avoid any direction given under sub-section (1) he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both."

5. *Substitution of new section for section 38.*—For section 38 of the

said Act, the following section shall be substituted, namely :—

"38. *Delegation of powers and duties of the State Government.*—The State Government may, by notified order, direct that any power or duty which is conferred or imposed by any provision of this Act upon the State Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged in Calcutta, also by the Commissioner of Police, the First Land Acquisition Collector or the Second Land Acquisition Collector, and, elsewhere, also by the District Magistrate, an Additional District Magistrate or a Special Land Acquisition Officer.

Explanation.—In this section 'Calcutta' has the same meaning as in section 17."

6. *Savings and validation.*—(1) Any order made, any action taken or anything whatsoever done under the said Act, as amended by the West Bengal Security (Amendment) Ordinance, 1950 (West Ben. Ord. XI of 1950), shall, on the said Ordinance ceasing to operate, be deemed to have been made, taken or done under the said Act as amended by this Act as if this Act had commenced on the 14th day of August, 1950.

(2) Any direction made, any action taken or anything whatsoever done under the said Act as amended by the West Bengal Security (Second Amendment) Ordinance, 1950 (West Ben. Ord. XIV of 1950), shall, on the said Ordinance ceasing to operate, be deemed to have been made, taken or done under the said Act as amended by this Act as if this Act had commenced on the 18th day of September, 1950.

(3) Notwithstanding any law to the contrary, any order made or deemed or purported to have been made, or any notification issued or deemed or purported to have been issued, or any direction given or deemed or purported to have been given, under any provision of the said Act, by—

(i) the Commissioner of Police, Calcutta, or

(ii) the First Land Acquisition Collector, Calcutta, or

(iii) the Second Land Acquisition Collector, Calcutta, or

(iv) a District Magistrate, or

(v) an Additional District Magistrate, or

(vi) the Special Land Acquisition Officer, Alipore, 24 Parganas,

in exercise or discharge or the purported exercise or discharge of any power or duty, in pursuance of any notified order made or deemed or purported to have been made by the State Government, under section 38 of the said Act as in force immediately before the commencement of the West Bengal Security (Second Amendment) Ordinance, 1950, shall be deemed to be and to have always been valid.

The Bengal Jute Regulation (West Bengal Repealing) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 809L. of the Legislative Department, dated the 25th April 1950, published in the *Calcutta Gazette*, Part III, dated the 27th April 1950.]

West Bengal Act XXXI of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 27th April, 1950.]

An Act to repeal the Bengal Jute Regulation Act, 1940, and the Bengal Jute Regulation (West Bengal Amendment) Act, 1948.

WHEREAS it is expedient to repeal the Bengal Jute Regulation Act,

1940 (Ben. Act V of 1940) and the Bengal Jute Regulation (West Bengal Amendment) Act, 1948 (West Ben. Act XVI of 1948);

It is hereby enacted as follows :—

1. *Short title*.—This Act may be called the Bengal Jute Regulation (West Bengal Repealing) Act, 1950.

2. *Repeal of Bengal Act V of 1940 and West Bengal Act XVI of 1948*.—The Bengal Jute Regulation Act, 1940 and the Bengal Jute Regulation (West Bengal Amendment) Act, 1948 are hereby repealed.

The West Bengal Public Gambling (Penalties Enhancement) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 812L., of the Legislative Department, dated the 25th April 1950, published in the *Calcutta Gazette*, Part III, dated the 27th April 1950.]

West Bengal Act XXXII of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 27th April, 1950.]

An Act to enhance the penalties provided by law for the punishment of certain offences relating to wagering or betting upon a horse-race.

WHEREAS it is expedient to enhance the penalties provided by law for the punishment of certain offences relating to wagering or betting upon a horse-race ;

It is hereby enacted as follows :—

1. *Short title*.—This Act may be called the West Bengal Public Gambling (Penalties Enhancement) Act, 1950.

2. *Punishment for offences of illegal wagering or betting upon a horse-race*.—(1) Whoever commits an offence punishable under section 10 of the Howrah Offences Act, 1857 (XXI of 1857), or under section 44 of the Calcutta Police Act, 1866 (Ben. Act IV of 1866), or under section 3 of the Bengal Public Gambling Act, 1867 (Ben. Act II of 1867), relating to wagering or betting upon a horse-race may, in lieu of any punishment to which he is liable under the said sections, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.

(2) Whoever having been convicted for an offence specified in sub-section (1) shall be guilty of any such offence, shall, notwithstanding anything contained in the Act under the provisions of which he is so convicted, be punishable for every such subsequent offence with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.

3. *Saving*.—Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for any Magistrate of the first class and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of any offence which has been made punishable with enhanced fine by this Act.

The Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1971L., of the Legislative Department, dated the 5th November 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 5th November 1950.]

West Bengal Act XLVIII of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 5th November, 1950.]

An Act further to amend the Bengal Finance (Sales Tax) Act, 1941.

WHEREAS it is expedient further to amend the Bengal Finance (Sales Tax) Act, 1941 (Ben. Act VI of 1941);

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950.

(2) This section shall come into force at once; sections 13 and 16 shall come into force immediately on the Bengal Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950 (West Ben. Ord. X of 1950) ceasing to operate; the remaining sections of the Act shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and for this purpose different dates may be appointed for different sections.

2. *Amendment of section 2 of Bengal Act VI of 1941.*—In section 2 of the Bengal Finance (Sales Tax) Act, 1941 (hereinafter referred to as the said Act),—

(a) in clause (b),—

(i) for the words "cash or deferred payment or other valuable consideration" the words "money consideration" shall be substituted;

(ii) in sub-clause (iii) after the words "motor vehicle" the words "or any sea-going vessel" shall be added;

(b) for clause (c) the following clause shall be substituted, namely:—

'(c) "dealer" means any person who carries on the business of selling goods in West Bengal and includes the Government.

Explanation 1.—A co-operative society or a club or any association which sells goods to its members is a dealer.

Explanation 2.—A factor, a broker, a commission agent, a *del credere* agent, an auctioneer or any other mercantile agent, by whatever name called, and whether of the same description as hereinbefore mentioned or not, who carries on the business of selling goods and who has, in the customary course of business, authority to sell goods belonging to principals is a dealer.

Explanation 3.—The manager or an agent in West Bengal of a dealer who resides outside West Bengal and carries on the business of selling goods in West Bengal shall, in respect of such business, be deemed to be a dealer;';

(c) for clause (d) the following clause shall be substituted, namely:—

'(d) "goods" includes all materials, commodities and articles but does not include actionable claims, stocks, shares, securities or money.

Explanation.—Goods supplied in the execution of a contract shall be deemed to be goods for the purposes of this Act';

(d) in clause (g),—

(i) for the words "for cash or deferred payment or other valuable consideration, including a transfer of property in goods involved in the execution of a contract, but does not include a mortgage, hypothecation, charge or pledge;" the words "for money consideration and includes a transfer of property in goods supplied in the execution of a contract but does not include a mortgage, hypothecation, charge or pledge; and any grammatical variations of the expression 'sale' shall be construed accordingly." shall be substituted,

(ii) for Explanation 2, the following Explanation shall be substituted, namely :—

"*Explanation 2.*—A sale shall be deemed to have taken place in West Bengal if the goods are actually delivered in West Bengal as a direct result of such sale for the purpose of consumption in West Bengal, notwithstanding the fact that under the general law relating to the sale of goods the property in the goods has by reason of such sale passed in another State";

(e) for clause (h) the following clause shall be substituted, namely :—

'(h) "sale-price" means—

(i) in the case of a sale which consists in the transfer of property in goods supplied in the execution of a contract (hereinafter referred to as a sale involved in the execution of a contract)—such portion of the amount of the money consideration for the contract as may be prescribed, representing the price of the goods supplied,

(ii) in other cases of sale—the amount of the money consideration for the sale, less any sum allowed as cash discount according to ordinary trade practice, but including any sum charged for anything done by the dealer in respect of the goods at the time of, or before, delivery thereof, other than the cost of freight or delivery or the cost of installation when such cost is separately charged ; ' ;

(f) for clause (i) the following clause shall be substituted, namely :—

'(i) "turnover" used in relation to any period means the aggregate of the sale-prices or parts of sale prices receivable, or if a dealer so elects, actually received by the dealer during such period after deducting the amounts, if any, refunded by the dealer in respect of any goods returned by the purchaser within such period :

Provided that an election as aforesaid once made shall not be altered except with the permission of the Commissioner and on such terms and conditions as he may think fit to impose ;';

(g) for clause (j) the following clause shall be substituted, namely :—

'(j) "year" used in relation to any particular dealer means the year by reference to which, according to a declaration made by that dealer, the accounts of that dealer are ordinarily maintained in his books, and where no such declaration is made, the year commencing on the first day of January and reckoned according to the British calendar :

Provided that a registered dealer shall not change his year except with the previous permission of the prescribed authority and except on such terms and conditions as may be determined by such authority.'

3. *Amendment of section 4.* — In section 4 of the said Act,—

(a) in sub-section (1), for the words and figures "Subject to the provisions of sections 5 and 6 and with" the word "With" shall be substituted ;

(b) for sub-section (2) the following sub-section shall be substituted, namely :—

"(2) Every dealer to whom sub-section (1) does not apply, shall, if his gross turnover calculated from the commencement of any year exceeds the taxable quantum at any time within such year, be liable to pay tax under this Act, on the expiry of two months from the date on which such gross turnover first exceeds the taxable quantum, on all sales effected after such expiry." ;

(c) for sub-section (4) the following sub-section shall be substituted, namely :—

"(4) Every dealer whose liability to pay tax under this Act has ceased under the provisions of sub-section (3), shall, if his gross turnover calculated from the commencement of any year again exceeds the taxable quantum at any time within such year, be liable to pay such tax on the expiry of two months from the date on which such gross turnover again first exceeds the taxable quantum on all sales effected after such expiry.' ;

(d) in clause (a of sub-section (5), the word " himself " shall be omitted.

4. *Amendment of section 5.*—In sub-section (2) of section 5 of the said Act,—

(a) for sub-clause (ii) of clause (a), the following sub-clause shall be substituted, namely :—

"(ii) sales to a registered dealer—

of goods of the class or classes specified in the certificate of registration of such dealer, as being intended for re-sale by him, or for use by him in the manufacture of goods for sale or for use by him in the execution of any contract ;

and

of containers or other materials for the packing of goods of the class or classes so specified :

Provided that in the case of such sales a declaration duly filled up and signed by the registered dealer to whom the goods are sold and containing prescribed particulars on a prescribed form obtainable from the prescribed authority is furnished in the prescribed manner by the dealer who sells the goods " ;

(b) after sub-clause (ii) of clause (a), the following sub-clause shall be inserted, namely :—

" (iii) sales to a registered dealer engaged in the business of raising coal, of any goods which are shown to the satisfaction of the Commissioner to be required directly for use in connection with the raising of coal ;".

5. *Amendment of section 7.*—In section 7 of the said Act,—

(a) in sub-section (1), for the words "under this Act" the words and figure "under section 4 of this Act" shall be substituted,

(b) for sub-section (6), the following sub-section shall be substituted, namely :—

"When—

(a) any business in respect of which a certificate has been granted to a dealer on an application made, has been discontinued or transferred, or

(b) a dealer has ceased to be liable to pay tax under section 4 of this Act,

the Commissioner shall cancel the registration.".

6. *Amendment of section 8.*—To sub-section (1) of section 8 of the said Act, the following explanation shall be added, namely :—

" *Explanation.*—A dealer may apply for registration under this section although he deals exclusively in one or more classes of goods specified in the first column of the Schedule.".

7. *Substitution of new section for section 9.*—For section 9 of the said Act, the following section shall be substituted, namely :—

" 9. *List of registered dealers to be published.*—The Commissioner

shall, as soon as may be after the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950, publish in the *Official Gazette*, a list of the names and addresses of the registered dealers together with a description of the goods covered by the certificate of the registration, and thereafter shall in like manner from time to time publish—

(a) such particulars of any dealer who is subsequently registered or whose registration certificate is amended or whose registration is cancelled as soon as may be after such registration or cancellation, and

(b) a consolidated list embodying the modification made in the first list published under this section."

8. *Amendment of section 10*.—In section 10 of the said Act, the proviso to sub-section (2) shall be omitted.

9. *Amendment of section 11*.—In section 11 of the said Act,—

(a) In sub section (1),—

(i) for the words " twelve months " the words " eighteen months " shall be substituted,

(ii) for the words "to submit a return in respect of any period by the prescribed date" the words "to submit in respect of any period, a return accompanied by a receipt from Government Treasury or the Reserve Bank of India, as required under sub-section (3) of section 10, by the prescribed date' shall be substituted ;

(b) in sub-section (2), for the words "who imports for sale any goods into West Bengal or himself manufactures or produces any goods for sale, has been liable to pay tax under this Act in respect of any period and has nevertheless failed to apply for registration, the Commissioner shall, at any time within three calendar years from the commencement of this Act and thereafter within twelve months from the expiry of such period " the words " who has been liable to pay tax under this Act in respect of any period but has failed to get himself registered, the Commissioner" shall be substituted ;

(c) after sub-section (2), the following sub section shall be inserted, namely :—

"(2a) No assessment under sub-section (1) shall be made after the expiry of four years and no assessment under sub section (2) shall be made after the expiry of six years from the end of the year in respect of which or part of which the assessment is made :

Provided that where any proceedings for assessment under sub-section (1) or sub-section (2) are pending at the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1950, such assessment may be made at any time within four years or six years respectively of the date of such commencement.".

10. *Substitution of new section for section 12*.—For section 12 of the said Act, the following section shall be substituted, namely :—

"12. *Refunds*.—(1) The Commissioner shall, in the prescribed manner, refund to a dealer applying in this behalf any amount of tax or penalty paid by such dealer in excess of the amount due from him under this Act, either by cash payment or, at the option of the dealer, by deduction of such excess from the amount of tax due in respect of other period :

Provided that no refund shall be made unless the claim for refund is made within twelve months from the date of the assessment of tax or the date of the imposition of penalty or within six months from the date of any final order passed on appeal, revision or review under section 20 or reference under section 21, whichever period expires later.

(2) Nothing in sub-section (1) shall be deemed to empower the Commissioner to amend, vary or rescind any assessment or to amend, vary or rescind any order passed on appeal, revision or review under section 20 or reference under section 21, or to confer on a dealer any relief in addition to what he is entitled under the provisions of this Act."

11. *Amendment of section 14.*—In section 14 of the said Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Commissioner may, subject to such conditions as may be prescribed, require any dealer—

(a) to produce before him any accounts, registers or documents,

(b) to furnish any information, relating to the stock of goods of, or purchases, sales or deliveries of goods by, the dealer, or relating to any other matter,

as may be deemed necessary for the purposes of this Act.";

(b) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) (a) All accounts, registers and documents relating to the stock of goods of, or purchases, sales and deliveries of goods by, any dealer ; and

(b) all goods kept in any place of business of any dealer

shall at all reasonable times be open to inspection by the Commissioner.";

(c) at the end of sub-section (4) the following words shall be added, namely :—

"or any other place where the Commissioner has, upon information received, reason to believe that the dealer keeps or is for the time being keeping any accounts, registers or documents of his business."

12. *Amendment of section 15.*—In section 15 of the said Act the words and figures "section 18 and" shall be omitted.

13. *Amendment of section 16.*—In section 16 of the said Act,—

(a) in clause (a) after the words "any place of business" the words "or effects or comes to know of any other change in the ownership of the business" shall be inserted ;

(b) for clause (c) the following clause shall be substituted, namely :—

"(c) changes the name or nature of his business or effects any change in the class or classes of goods in which he carries on his business and which is or are specified in his certificate of registration."

14. *Substitution of new section for section 17.*—For section 17 of the said Act, the following section shall be substituted, namely :—

"17. *Transfer of business.*—Where the ownership of the business of a registered dealer is entirely transferred and the transferee carries on such business either in its old name or in some other name, the transferee shall for all the purposes of this Act (except for liabilities under this Act already discharged by such dealer) be deemed to be and to have always been registered as if the certificate of registration of such dealer had initially been granted to the transferee ; and the transferee shall on application to the Commissioner be entitled to have the registration certificate amended accordingly."

15. *Repeal of section 18.*—(1) Section 18 of the said Act shall be deemed to have been repealed as from the commencement of the Bengal

Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950 (West Ben. Ord X of 1950).

(2) All proceedings which were pending before the Commissioner of Commercial Taxes immediately before the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950, under section 18 of the said Act shall be deemed to have been discharged as from the date of such commencement.

(3) No order passed before the commencement of the Bengal Finance (Sales Tax) (West Bengal Amendment) Ordinance, 1950, by a person appointed under sub-section (1) of section 3 of the said Act to assist the Commissioner of Commercial Taxes shall be deemed to be or to have been invalid merely on the ground that such order determined or purported to determine directly or incidentally any question which the Commissioner of Commercial Taxes should have determined under section 18 of the said Act or shall be questioned by or in any court, tribunal or authority merely on such ground.

16. *Amendment of section 20.*—In section 20 of the said Act,—

(a) in sub-section (1), after the words "within sixty days" the words "or such further period as may be allowed by the Commissioner for cause shown to his satisfaction" shall be inserted;

(b) in sub-section (3),—

(i) for the words "order passed" the words "assessment made or order passed" shall be substituted,

(ii) the following further proviso shall be added at the end, namely :—

"Provided further that no application for revision shall lie to the Commissioner in respect of any assessment if an appeal lies under sub-section (1) to the Commissioner in respect of such assessment.";

(c) for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) Subject to such rules as may be prescribed, any assessment made or order passed under this Act or the rules made thereunder by any person appointed under section 3 may be reviewed by the person passing it upon application or of his own motion.".

17. *Insertion of new section after section 21.*—After section 21 of the said Act, the following section shall be inserted, namely :—

"21A. *Power of Commissioner to take evidence on oath, etc.*—The Commissioner or any person appointed to assist him under sub-section (1) of section 3 shall, for the purposes of this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters, namely :—

(a) enforcing the attendance of any person and examining him on oath or affirmation;

(b) compelling the production of documents; and

(c) issuing commissions for the examination of witnesses;

and any proceeding under this Act before the Commissioner or any person appointed to assist him under sub-section (1) of section 3 shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code (Act XLV of 1860)"

18. *Amendment of section 22.*—In sub-section (1) of section 22 of the said Act, for the words "shall be punishable with fine not exceeding one thousand rupees" the words "shall be punishable with simple impri-

sonment which may extend to six months or with fine or with both" shall be substituted.

19. *Substitution of new section for section 23.*—For section 23 of the said Act, the following section shall be substituted, namely :—

"23. *Compounding of offences.*—(1) Subject to such conditions as may be prescribed, the Commissioner may accept, from any person alleged to have committed an offence under sub-section (1) of section 22 or under any rules made under this Act, either before or after the commencement of any proceedings against such person in respect of such offence, by way of composition for such offence, a sum not exceeding five thousand rupees or where the offence alleged to have been committed is under clause (a) or clause (b) of that sub-section, not exceeding double the amount of the tax which would have been payable by such person had he complied with the provisions of the Act, whichever is greater.

(2) On payment in full of such sum as may be determined by the Commissioner under sub-section (1)—

(a) no proceedings shall be commenced against such person as aforesaid ; and

(b) if any proceedings have been already commenced against such person as aforesaid, such proceedings shall not be further proceeded with."

20. *Amendment of section 26.*—In sub-section (2) of section 26 of the said Act,—

(a) for clause (a), the following clause shall be substituted, namely :—

"(a) the portion referred to in sub-clause (i) of clause (h) of section 2." ;

(b) after clause (a), the following clause shall be inserted, namely :—

"(aa) the authority referred to in the proviso to clause (j) of section 2." ;

(c) after clause (b), the following clause shall be inserted, namely :—

(bb) the particulars to be contained in a declaration under sub-clause (ii) of clause (a) of sub-section (2) of section 5, the form of such declaration, the authority from which such form shall be obtainable and the manner in which such declaration is to be furnished ;";

(d) after clause (s), the following clause shall be inserted, namely :—

"(t) any other matter required to be prescribed.".

The West Bengal Fire Services (Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 19851 ., of the Legislative Department, dated the 6th November 1950, published in the *Calcutta Gazette*, Part III, dated the 9th November, 1950]

West Bengal Act XLIX of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 9th November, 1950.]

An Act to amend the West Bengal Fire Services Act, 1950

WHEREAS it is expedient to amend the West Bengal Fire Services Act, 1950 (West Ben. Act XVIII of 1950), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Fire Services (Amendment) Act, 1950.

2. *Amendment of section 23 of West Bengal Act XVIII of 1950.*—In section 23 of the West Bengal Fire Services Act, 1950 (hereinafter referred to as the said Act),—

(a) after sub-section (1) the following sub-section shall be inserted, namely :—

"(1A) Where the State Government makes an order under sub-section (1) requiring the Corporation of Calcutta or the Commissioners of a municipality to exercise or perform any powers, duties or functions of the Collector under this Act, through the Executive Officer of the Corporation of Calcutta or the Chairman of the Commissioners of a municipality, the Executive Officer or the Chairman may authorise any officer of the Corporation of Calcutta or any Officer of the Commissioners of the municipality, as the case may be, to exercise or perform any such powers, duties or functions, subject to his control and supervision." ; and

(b) in sub-section (2), for the words "such order" the words, brackets and figure "an order under sub section (1)" shall be substituted.

3. *Amendment of section 38.*—In section 38 of the said Act, for the words, figure and brackets "premises licensed for storing any article referred to in clause (1) of section 2" the words "any premises or part thereof licensed as a warehouse under this Act" shall be substituted.

The Calcutta Improvement (Amendment) Act, 1950.

The following Act of the West Bengal Legislature, has been assented to by the Governor [Vide Notification No. 1986L., of the Legislative Department, dated the 6th November 1950, published in the *Calcutta Gazette*, Part III, dated the 9th November 1950.]

West Bengal Act L of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 9th November, 1950.]

An Act further to amend the Calcutta Improvement Act, 1911.

WHEREAS it is expedient further to amend the Calcutta Improvement Act, 1911 (Ben. Act V of 1911), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Calcutta Improvement (Amendment) Act, 1950.

(2) It shall come into force on the date next following the date of expiry of the period of supersession of the Corporation of Calcutta under section 3 of the Corporation of Calcutta (Temporary Supersession) Act, 1948 (West Ben Act VIII of 1948).

2 *Amendment of section 7 of Ben. Act V of 1911.*—For sub-section (1) of section 7 of the Calcutta Improvement Act, 1911, the following sub-section shall be substituted, namely :—

"(1) The three members of the Corporation referred to in clause (c) of section 4 shall be elected by the Corporation."

The West Bengal District Boards (Second Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1989L., of the Legislative Department, dated the 6th November 1950, published in the *Calcutta Gazette*, Part III, dated the 9th November 1950.]

West Bengal Act LIII of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 9th November, 1950.]

An Act further to amend the West Bengal District Boards Act, 1947.

WHEREAS it is expedient further to amend the West Bengal District Boards Act, 1947 (West Ben. Act III of 1947), for the purpose and in the manner hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title*.—This Act may be called the West Bengal District Boards (Second Amendment) Act, 1950.

2. *Amendment of section 5 of West Bengal Act III of 1947*.—In the proviso to section 5 of the West Bengal District Boards Act, 1947, for the words "three years and four months" the words "four years, four months and fifteen days" shall be substituted.

The West Bengal National Volunteer Force (Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No 2000L, of the Legislative Department, dated the 7th November 1950. published in the *Calcutta Gazette*, Part III, dated the 9th November 1950.]

West Bengal Act LIV of 1950.

[*Passed by the West Bengal Legislature*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 9th November, 1950.]

An Act to amend the West Bengal National Volunteer Force Act, 1949.

WHEREAS it is expedient to amend the West Bengal National Volunteer Force Act, 1949 (West Ben. Act I of 1949), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows : -

1. *Short title*.—This Act may be called the West Bengal National Volunteer Force (Amendment) Act, 1950.

2. *Amendment of section 10 of West Bengal Act I of 1949*.—In section 10 of the West Bengal National Volunteer Force Act, 1949 (hereinafter referred to as the said Act), before sub-section (1) the following sub-section shall be inserted, namely :—

"(a1) The State Government or the Provincial Commandant, a Deputy Provincial Commandant, a Unit Commandant, or a District Superintendent of Police, if authorised by the State Government in this behalf, may at any time call upon in such manner and through such officer as may be prescribed, any volunteer for discharging anywhere in West Bengal any functions assigned to him by or under this Act"

3. *Amendment of section 11 of West Bengal Act I of 1949*.—In sub-section (1) of section 11 of the said Act, after the word "under" occurring for the first time the words, brackets, letter and figure "sub-section (a1) or" shall be inserted.

4. *Amendment of section 12 of West Bengal Act I of 1949*.—In section 12 of the said Act, after the word "under" occurring for the first time the words, brackets, letter and figure "sub-section (a1) or" shall be inserted.

The 24-Parganas District Board Dissolution (Temporary Provisions) (Second Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented

to by the Governor [Vide Notification No. 1987L., of the Legislative Department, dated the 6th November 1950, published in the *Calcutta Gazette*, Part III, dated the 9th November 1950.]

West Bengal Act LI of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 9th November, 1950.]

An Act further to amend the 24-Parganas District Boards Dissolution (Temporary Provisions) Act, 1948.

WHEREAS it is expedient further to amend the 24-Parganas District Board Dissolution (Temporary Provisions) Act, 1948 (West Ben. Act XXIII of 1948), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows : —

1. *Short title.*—This Act may be called the 24-Parganas District Board Dissolution (Temporary Provisions) (Second Amendment) Act, 1950.

2 *Amendment of section 1 of West Bengal Act XXIII of 1948* —In sub-section (3) of section 1 of the 24-Parganas District Board Dissolution (Temporary Provisions) Act, 1948, for the words and figures "15th day of December, 1951", the words and figures "31st day of December, 1951" shall be substituted

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The Calcutta Improvement (Amendment) Amending Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1988L., of the Legislative Department, dated the 6th November 1950, published in the *Calcutta Gazette*, Part III, dated the 9th November 1950.]

West Bengal Act LII of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 9th November, 1950.]

An Act further to amend the Calcutta Improvement (Amendment) Act, 1948.

WHEREAS it is expedient further to amend the Calcutta Improvement (Amendment) Act, 1948 (West Ben. Act XXII of 1948), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1 *Short title* —This Act may be called the Calcutta Improvement (Amendment) Amending Act, 1950.

2 *Amendment of section 1 of West Bengal Act XXII of 1948.*—Sub-section (3) of section 1 of the Calcutta Improvement (Amendment) Act, 1948 shall be omitted, and shall be deemed always to have been omitted.

The West Bengal Prohibition of Smoking in Show Houses and Public Halls Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 2027L., of the Legislative Department, dated the 13th November 1950, published in the *Calcutta Gazette*, Part III, dated the 16th November 1950].

West Bengal Act LV of 1950.

[*Passed by the West Bengal Legislature*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 16th November, 1950.]

An Act to prohibit smoking in show houses and public halls in West Bengal.

WHEREAS it is expedient to prohibit smoking in show houses and public halls in West Bengal ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the West Bengal Prohibition of Smoking in Show Houses and Public Halls Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act,—

(a) "show house" means any building, or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise, of cinematographic films, dramatical, pantomime, or musical performances, dances, physical feats of human beings or animals, conjuring tricks or sleights of hand, boxing, wrestling, skating, billiards or table-tennis competitions, or any other indoor amusement or diversion whatsoever ;

(b) "public hall" means a chamber or hall used ordinarily or occasionally as a place of public assembly or meeting.

3. *Penalty for smoking in show houses and public halls.*—Whoever smokes, during a demonstration, exhibition or meeting, in any part of a show house or public hall reserved for the audience or the spectators shall be punishable with fine which for a first offence may extend to twenty-five rupees and for a second or subsequent offence to one hundred rupees.

4. *Power to arrest without warrant.*—Any police officer not below the rank of sub-inspector may arrest without warrant any person committing in his presence an offence under section 3.

5. *Management to post notices or exhibit slides.*—(1) Every person responsible for the management of a demonstration of exhibition in a show house and every person who controls the delebrations of a public assembly or meeting in a public hall, shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides, that any person smoking during a demonstration, exhibition or meeting, in any part of such show house or public hall reserved for the audience or spectators shall be liable to arrest without warrant and to fine.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

6. *Power to exclude from the operation of the Act* —The State Government or any officer of the State Government authorised in this behalf may, by general or special order in writing, direct that the provisions of this Act shall not apply in respect of any show house or public hall or any demonstration, exhibition or public meeting therein.

The West Bengal Clinical Establishments Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 2091L., of the Legislative Department, dated the 21st November 1950, published in the *Calcutta Gazette*, Part III, dated the 23rd November 1950]

West Bengal Act LVI of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 23rd November, 1950.]

An Act to introduce a system of registration and licensing in respect of clinical establishments.

WHEREAS it is expedient to introduce a system of registration and licensing in respect of clinical establishments ;

It is hereby enacted as follows :—

1 *Short title, extent and commencement* —(1) This Act may be called the West Bengal Clinical Establishments Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*— In this Act, unless there is anything repugnant in the subject or context,—

(a) "clinical establishment" means a nursing home, a physical therapy establishment, a clinical laboratory or an establishment analogous to any of them, by whatever name called ;

(b) "clinical laboratory" means an establishment where—

(i) biological, bacteriological, radiological, microscopic, chemical or other tests, examinations or analysis, or

(ii) the preparation of cultures, vaccines, serums or other biological or bacteriological products,

in connection with the diagnosis or treatment of diseases, are or is usually carried on ;

(c) "maternity home" means an establishment where women are usually received and accommodated for the purpose of confinement and ante-natal and post-natal care in connection with child-birth ;

(d) "nursing home" means an establishment where persons suffering from illness, injury or infirmity whether of body or mind are usually received and accommodated for the purpose of nursing and treatment and includes a maternity home ;

(e) "physical therapy establishment" means an establishment where persons are usually treated by physical means such as massage, electrotherapy, hydrotherapy, remedial gymnastics or the like ;

(f) "prescribed" means prescribed by rules made under this Act ;

(g) "registered medical practitioner" means a medical practitioner registered under the Bengal Medical Act, 1914 (Ben. Act VI of 1914) ;

(h) "registered nurse" or "registered midwife" means a nurse or midwife registered under the Bengal Nurses Act, 1934 (Ben Act X of 1934).

3. *Clinical establishment not to be kept or carried on without registration and license* —No person shall keep or carry on a clinical establishment without being registered in respect thereof and except under and in accordance with the terms of a license granted therefor.

4. *Application for registration and license.*—(1) Every application for registration in respect of any clinical establishment and for the grant of a license therefor shall be made to such authority (hereinafter referred to as the prescribed authority), shall contain such particulars and shall be accompanied by such fee as may be prescribed.

(2) The prescribed authority, if satisfied that the applicant and the clinical establishment fulfil such conditions as may be prescribed, shall register the applicant in respect of such clinical establishment and shall grant him a license therefor and the registration and the license shall be valid for such period as may be prescribed.

(3) The prescribed authority may reject an application if he is satisfied—

(a) that the applicant or the clinical establishment does not fulfil the conditions prescribed under sub-section (2) ;

(b) that the real object of the applicant is to use or allow the clinical establishment to be used for immoral purposes ;

(c) in the case of a nursing home other than a maternity home that such nursing home is not or will not be under the charge of a registered medical practitioner resident therein and that the nursing of persons received and accommodated therein is not or will not be under the superintendence of a registered nurse resident therein ; or

(d) in the case of a maternity home that such maternity home is not or will not be under the charge of a registered midwife and that the attendance on every woman before, at, or after child-birth or on any child born is not or will not be under the superintendence of a registered midwife resident therein ;

and shall in every case where the application is rejected record the grounds for rejection.

(4) An appeal shall lie to such authority as may be specified in this behalf, against the rejection of an application under sub-section (3) and any order passed on such appeal shall be final and shall not be questioned in any Court.

(5) Every license granted under sub-section (2) shall be upon such terms as may be prescribed and such terms may, *inter alia*, require—

(a) such precautions to be observed for safeguarding that the clinical establishment is not used for immoral purposes, such sanitary and hygienic measures to be taken and such accommodation to be provided, as may be specified ;

(b) in the case of nursing homes, records to be kept of persons received and accommodated and intimation to be given to specified authorities of births, deaths and miscarriages therein ;

(c) in the case of physical therapy establishments, records to be kept of persons treated therein

5. *Cancellation of registration and license.*—If at any time after any person has been registered in respect of any clinical establishment and granted a license therefor, the prescribed authority is satisfied that the terms of the license are not being complied with, he may cancel such registration and license.

6 *Entry and inspection.*—(1) Subject to such regulations as may be prescribed, any officer of the State Government duly authorised in this behalf may enter any establishment which is being used or which such officer has reason to believe is being used as a clinical establishment and inspect any documents kept in such establishment :

Provided that nothing in this section shall be deemed to authorise any person to inspect any medical record relating to a person undergoing medical treatment.

(2) No person shall refuse to allow any officer as aforesaid to enter any establishment or to inspect any documents which he is entitled to enter or to inspect and no person shall obstruct any such officer in the exercise of his powers under sub-section (1).

7. *Offences and penalties.*—(1) Any person—

(a) who contravenes the provisions of section 3, or

(b) who contravenes the provisions of sub-section (2) of section 6, or

(c) being the holder of a license granted under this Act in respect of any clinical establishment, uses or allows such establishment to be used for immoral purposes,

shall be guilty of an offence and shall—

(i) on conviction for a first offence be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both, and

(ii) on conviction for a second or subsequent offence be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both and shall in addition be liable to a fine which may extend to twenty-five rupees for every day for which the offence continues after conviction.

(2) Where a person committing an offence under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary or other officer concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent its commission, be deemed to be guilty of such offence.

8. *Savings.*—(1) For a period of six months from the commencement of this Act, the provisions of section 3, section 5, section 6 and section 7 shall not apply to any clinical establishment in existence on the date of such commencement.

(2) Nothing in this Act shall apply in respect of—

(a) any clinical establishment maintained by or under the control of Government or any local authority ; or

(b) any asylum established or licensed under the Indian Lunacy Act, 1912 (IV of 1912) ; or

(c) any leper asylum appointed, established or maintained under the Lepers Act, 1898 (III of 1898) ; or

(d) any chamber or clinic of a registered medical practitioner ; or

(e) any hairdresser's shop or salon where scalp or face-massage or manicure treatment is administered to female customers only or is administered in full view of all the customers resorting there.

9. *Power to make rules.*—(1) The State Government may make rules for the purposes of carrying out the provisions of this Act

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters :—

(a) the authority to whom an application under sub-section (1) of section 4 shall be made, the particulars which such application shall contain and the fee with which such application shall be accompanied ;

(b) the conditions which an applicant and a clinical establishment shall fulfil under sub section (2) of section 4 ;

(c) the period for which registration and license under sub-section (2) of section 4 shall be valid ;

(d) the period of limitation for an appeal under sub-section (4) of section 4 and the procedure on such appeals ;

(e) the terms upon which a license shall be granted under sub section (5) of section 4 ;

(f) the regulations subject to which an officer authorised under sub-section (1) of section 6 may enter any establishment or inspect any documents ;

(g) any other matter required to be prescribed by rules.

The Bengal (Rural) Primary Education (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented

to by the Governor [Vide Notification No. 2092 L, of the Legislative Department, dated the 21st November 1950, published in the *Calcutta Gazette*, Part III, dated the 23rd November 1950.]

West Bengal Act LVII of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 22nd November, 1950.]

An Act further to amend the Bengal (Rural) Primary Education Act, 1930.

WHEREAS it is expedient further to amend the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bengal (Rural) Primary Education (West Bengal Amendment) Act, 1950.

2. *Insertion of new section 60A in Bengal Act VII of 1930.*—After section 60 of the Bengal (Rural) Primary Education Act, 1930 (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

"60A. *Child once admitted to a primary school to attend up to the end of the primary stage.*—In any area in which primary education has not been declared compulsory under section 56 the guardian of a child who has once been admitted to a primary school situated in such area, shall cause such child to attend that school up to the end of the stage of primary education provided in that school unless—

(a) the child is prevented from attending that school by sickness, infirmity or other cause declared by a resolution of the Union Board, Union Committee or *Panchayat* concerned, to be a reasonable excuse for non-attendance; or

(b) the child obtains a transfer certificate and is admitted to another primary school; or

(c) the child is receiving instruction in some other manner approved by the officer referred to in clause (4) of section 60."

3. *Amendment of section 61.*—In section 61 of the said Act, after the word and figures "section 59," the word, figures and letter "section 60A," shall be inserted.

4. *Amendment of section 62.*—In sub-section (1) of section 62 of the said Act, after the word and figures "section 59," the words, figures and letter "or section 61A," shall be inserted.

The Criminal Procedure (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 2093 L., of the Legislative Department, dated the 21st November 1950, published in the *Calcutta Gazette*, Part III, dated the 23rd November, 1950.]

West Bengal Act LVIII of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, of the 23rd November 1950.]

An Act further to amend the Code of Criminal Procedure, 1898, in its application to West Bengal.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), in its application to West Bengal, in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Criminal Procedure (West Bengal Amendment) Act, 1950.

2. *Application* —The Code of Criminal Procedure, 1898 (hereinafter referred to as the Code), shall, in its application to such parts of West Bengal as the State Government may from time to time by notification in the *Official Gazette* appoint, be amended in the manner hereinafter provided.

3. *Amendment of section 196 of Act V of 1898.*—In section 196 of the Code after the word and figures "section 127" the words, figures and letter "and section 171F so far as it relates to the offence of personation at an election" shall be inserted within the brackets.

4. *Amendment of Schedule II* —In Schedule II to the Code,—

(a) in column two of the entry relating to section 171F of the Indian Penal Code (Act XLV of 1860), the words "and personation" shall be omitted;

(b) after the said entry so amended, the following shall be inserted, namely :—

"Personation at an election.	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto	Ditto"

(c) in column three of the entry relating to section 171G of the Indian Penal Code, for the word "Ditto" the words "Shall not arrest without warrant" shall be substituted.

The Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Act, 1950

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 2094 L., of the Legislative Department, dated the 21st November 1950, published in the *Calcutta Gazette*, Part III, dated the 23rd November, 1950.]

West Bengal Act LIX of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, of the 23rd November 1950]

An Act further to amend the Bengal, Agra and Assam Civil Courts Act, 1887, in its application to West Bengal.

WHEREAS it is expedient further to amend the Bengal, Agra and Assam Civil Courts Act, 1887 (XII of 1887), in its application to West Bengal in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2 *Application of Act.*—The Bengal, Agra and Assam Civil Courts Act, 1887, hereinafter referred to as the said Act, shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. *Amendment of section 19 of Act XII of 1887.*—In section 19 of the said Act,—

(i) in sub section (1), for the words "one thousand rupees" the words "two thousand rupees" shall be substituted; and

(ii) for sub-section (2) the following sub-section shall be substituted, namely :—

"(2) The State Government may, on the recommendation of the High Court, direct, by notification in the *Official Gazette*, with respect to any Munsif named therein that his jurisdiction shall extend to all like suits of such value not exceeding five thousand rupees as may be specified in the notification :

Provided that the State Government may, by notification in the *Official Gazette*, delegate to the High Court its powers under this sub-section."

The Criminal Procedure (West Bengal Second Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 2151-L., of the Legislative Department, dated the 28th November 1950, published in the *Calcutta Gazette*, Part III, dated the 30th November 1950]

West Bengal Act LX of 1950.

[*Passed by the West Bengal Legislature*]

[Assent of the President was first published in the *Calcutta Gazette*, of the 30th November, 1950.]

An Act further to amend the Code of Criminal Procedure, 1898, in its application to West Bengal.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), in its application to West Bengal, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*.—This Act may be called the Criminal Procedure (West Bengal Second Amendment) Act, 1950.

2. *Application*.—The Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code) shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3 *Amendment of section 407 of Act V of 1898*.—In section 407 of the said Code,—

(a) in sub-section (1), for the words "may appeal to the District Magistrate", the following shall be substituted, namely :—

"may appeal—

(a) in any such district as the State Government may, by notification in the *Official Gazette*, specify, to the Court of Session, and

(b) in any other district, to the District Magistrate" ;

(b) in sub-section (2), for the words "under this section" the words, brackets, letter and figure "under clause (b) of sub-section (1) of this section" shall be substituted ; and

(c) after sub-section (2), the following sub-section shall be added, namely :—

"(3) The Sessions Judge may transfer to any Assistant Sessions Judge subordinate to him any appeal presented to the Court of Session under clause (a) of sub-section (1) of this section and thereupon such appeal shall be heard by such Assistant Sessions Judge. The Sessions Judge may withdraw from such Assistant Sessions Judge any appeal so transferred".

4. *Amendment of section 409*.—In section 409 of the said Code, before the words "An appeal" the words, brackets and figures "Subject to the provisions of sub-section (3) of section 407," shall be inserted.

The Bengal Electricity Duty (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 2158L., of the Legislative Department, dated the 29th November, 1950, published in the *Calcutta Gazette*, Part III, dated the 30th November 1950.]

West Bengal Act LXI of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 30th November, 1950.]

An Act further to amend the Bengal Electricity Duty Act, 1935.

WHEREAS it is expedient further to amend the Bengal Electricity Duty Act, 1935 (Ben. Act X of 1935), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Electricity Duty (West Bengal Amendment) Act, 1950.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of section 2 of Bengal Act X of 1935.*—In section 2 of the Bengal Electricity Duty Act, 1935 (hereinafter referred to as the said Act),—

(a) to clause (1) the words "or by the State Government" shall be added at the end ; and

(b) in clause (2) after the words and figures "section 28 of that Act" the words, figures and brackets "and also includes the West Bengal Electricity Board to be constituted under section 5 of the Electricity (Supply) Act, 1948 (LIV of 1948)" shall be inserted.

3. *Amendment of section 4 of Bengal Act X of 1935.*—In sub-section (1) of section 4 of the said Act, for the words "specified in his license" the words "of the licensee" shall be substituted.

4. *Amendment of section 5 of Bengal Act X of 1935.*—In section 5 of the said Act,—

(i) after sub-section (1) the following sub-section shall be inserted, namely :—

"(1A) In the case of energy supplied by the State Government, the consumer shall pay to the State Government at the prescribed time and in the prescribed manner the electricity duty payable under section 3 on the units of energy supplied by the State Government to the consumer for the purpose of lights and fans "

(ii) in sub-section (2),—

(a) after the word "licensee" occurring for the first time the words "or the State Government, as the case may be," shall be inserted ; and

(b) the word "he" shall be omitted :

(iii) in sub-section (4), after the word "licensee" the words "or the State Government" shall be inserted

5. *Amendment of section 8 of Bengal Act X of 1935.*—In section 8 of the said Act,—

(a) the word "and" occurring at the end of clause (a) shall be omitted ; and

(b) after clause (a), the following clause shall be inserted, namely :—

"(aa) in the case of energy supplied by the State Government, from the consumer ; and".

— —

The West Bengal Premises Rent Control (Temporary Provisions) (Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 2159L., of the Legislative Department, dated the 29th November 1950, published in the *Calcutta Gazette*, Part III, dated the 30th November 1950.]

West Bengal Act LXII of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 30th November, 1950.]

An Act to amend the West Bengal Premises Rent Control (Temporary Provisions Act, 1950

WHEREAS it is expedient to amend the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950 (West Ben Act XVII of 1950).

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Premises Rent Control (Temporary Provisions) (Amendment) Act, 1950.

2 *Amendment of section 2 of West Bengal Act XVII of 1950.*—In section 2 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1950 (hereinafter referred to as the said Act), for clause (11) the following clause shall be substituted and shall be deemed always to have been substituted, namely :—

"(11) "tenant" means any person by whom rent is, or but for a special contract would be, payable for any premises, and includes—

(i) any person who is liable to be sued by the landlord for rent ; and

(ii) any person whose interest in the premises has been *ipso facto* determined under sub section (3) of section 12 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948 (West Ben. Act XXXVIII of 1948).

3. *Amendment of section 9* – In sub-section (1) of section 9 of the said Act, for clause (f) the following clause shall be substituted, namely :—

"(f) where any premises have been wholly or are substantially constructed after the 31st day of December, 1949, by fixing the standard rent payable for one year at a rate equal to six *per centum* of the actual cost of construction as determined by the Controller added to the market price as on the 31st day of December, 1946, of the land included in the premises or to the market price of the said land as on the date of the completion of the construction, whichever is less :

Provided that where the premises whose standard rent is to be fixed from a part of the construction the standard shall be fixed at a rate which is fairly proportionate to the total standard rent of the entire construction."

4. *Amendment of section 18.*—In section 18 of the said Act,—

(i) in sub-section (1) for the words "on the ground of default in payment of arrears of rent under the provisions" the following shall be substituted, namely :—

"on the ground that the interest of the tenant in such premises has been *ipso facto* determined under the provisions of sub-section (3) of section 12" ;

(ii) in sub section (5) for the words "on the ground of default in payment of arrears of rent under the provisions" the following shall be substituted, namely :—

"on the ground that the interest of the tenant in such premises has

been *ipso facto* determined under the provisions of sub-section (3) of section 12".

5. *Pending applications and suits*—In all applications made under sub-section (1) of section 18 of the said Act, which are pending at the commencement of this Act and in all suits referred to in sub section (5) of the said section which are pending at such commencement, the said Act as amended by this Act shall apply and shall be deemed always to have applied.

6. *Power of Court to rescind or vary decrees and orders in certain cases*—Where at any time between the commencement of the said Act and of this Act, an order or decree for the recovery of possession of any premises has been made or passed by any Court but possession of such premises has not been recovered in execution of such order or decree and the Court is of opinion that the order or decree would not have been made or passed if this Act had been in force when the order or decree was made or passed, the Court may, on application by the tenant within sixty days of the commencement of this Act, rescind or vary the order or decree on such terms and conditions as it deems necessary for the purpose of giving effect to the provisions of section 18 of the said Act as amended by this Act.

— — —

The Bengal Shops and Establishments (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 2327 L., of the Legislative Department, dated the 26th December 1950, published in the *Calcutta Gazette*, Part III, dated the 28th December 1950.]

West Bengal Act LXIV of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, of the 28th December, 1950.]

An Act to amend the Bengal Shops and Establishments Act, 1940

WHEREAS it is expedient to amend the Bengal Shops and Establishments Act, 1940 (Ben Act XVI 1940), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bengal Shops and Establishments (West Bengal Amendment) Act, 1950.

2. *Amendment of section 2 of Bengal Act XVI of 1940*—In section 2 of the Bengal Shops and Establishments Act, 1940 (hereinafter referred to as the said Act),—

(a) to clause (1) the following words shall be added, namely :—

"or for any other purpose whatsoever relating to business";

(b) in clause (12) after the words "cash or on credit, and" the following words shall be inserted, namely :—

"includes any offices, store-rooms, godowns or warehouses, whether in the same premises or otherwise, used in connection with such sale or with the storage of commodities or articles for the purpose of such sale and also includes";

(c) in clause (13) the word "and" at the end shall be omitted;

(d) to clause (14) the word "and" shall be added; and

(e) after clause (14) the following clause shall be added, namely :—

"(15) 'young person' means a person who has not completed his seventeenth year".

3. *Amendment of section 5.*—In section 5 of the said Act, in clause (o) of sub-section (1) after the word "goods", the words and figures "except the provisions of sections 11 and 12" shall be added.

4. *Amendment of section 7.*—In sub-section (1) of section 7 of the said Act,—

(a) after the words "No shop" the words "shall be opened before the hour of eight o'clock *ante meridiem* or" shall be inserted; and

(b) for the words "such hour" in the two places where they occur the words "the last-mentioned hour" shall be substituted.

5. *Insertion of new section 10A.*—After section 10 of the said Act, the following section shall be inserted, namely:—

"10A. *Special provisions for young persons.*—Notwithstanding anything contained in this Act—

(a) no young person employed in a shop or establishment for public entertainment or amusement shall be required or permitted to work in such shop or establishment for more than seven hours in any one day or for more than forty hours in any one week; and

(b) the periods of work of young persons in such shop or establishment during each day shall be so fixed that no period shall exceed four hours and that no such person shall work for more than four hours before he has had an interval for rest of at least one hour."

6. *Amendment of section 12.*—In section 12 of the said Act,—

(1) in clause (a),—

(i) the words "a total period not exceeding" shall be omitted; and

(ii) the word "and" shall be omitted;

(2) after clause (a) the following clause shall be inserted, namely:—

"(aa) in every year, to sick leave on half pay for fourteen days on medical certificate obtained from a medical practitioner registered under the Bengal Medical Act, 1914 (Ben. Act VI of 1914), and"

(3) in clause (b),—

(i) for the words "half pay" the words "full pay" shall be substituted, and

(ii) the words "a total period not exceeding" shall be omitted, and

(4) in the proviso,—

(a) in clause (i) the word "and" shall be omitted; and

(b) after clause (i) the following clause be inserted, namely:—

"(ia) sick leave admissible under clause (aa) may be accumulated up to a maximum of not more than fifty-six days; and".

7. *Amendment of section 13.*—In section 13 of the said Act, for the word "one-quarter" the word "one half" shall be substituted.

8. *Insertion of new section 13A.*—After section 13 of the said Act the following section shall be inserted, namely:—

"13A. *Notice of termination of services.*—(1) No person who has been employed in a shop or establishment for public entertainment or amusement, for a continuous period of not less than twelve months, shall, without sufficient cause, have his services terminated until he has been given one month's previous notice or has been paid one month's wages in lieu of such notice.

(2) Any person employed in such shop or establishment whose services have been terminated in contravention of the provisions of sub-section (1) may make an application to a Presidency Magistrate or a Magistrate of the First Class alleging such termination and if such Magistrate is satisfied that the services of such person have been terminated without suffici-

ent cause, he may, for reasons to be recorded in writing, direct that the shopkeeper or the employer shall pay one month's wages as compensation to such person and thereupon the shopkeeper or the employer shall pay to such person the amount of compensation so directed to be paid.

(3) The amount of compensation payable under this section shall, for purposes of its recovery, be deemed to be a fine imposed under this Act."

(4) For the avoidance of doubt it is hereby declared that the provisions of sub-sections (2) and (3) shall be in addition to and not in derogation of the provisions of section 17 and that nothing in sub-section (2) of section 18 shall be deemed to require any complaint to be made under that sub-section before an application is made under sub-section (2)."

9. *Amendment of section 16.*—In section 16 of the said Act, for the words beginning with "of that place and of any prescribed record, register" and ending with "explanation of any prescribed record, register or notice" the following words shall be substituted, namely :—

", as may be prescribed, of that place and of any document therein, including in particular any prescribed record, register or notice or any municipal licence, account book or ledger and may require such explanation of any such document."

10. *Amendment of section 17.*—In section 17 of the said Act,—

(a) in sub-section (1), for the word and figures "or 18" the figures, letters, words and brackets "18, 18A, 13A or sub-section (3) of section 20" shall be substituted ; and

(b) in sub-section (2),—

(i) for the words "prescribed record, register or notice" the words and figures "document referred to in section 16" shall be substituted ; and

(ii) for the words "produce it" the words "produce such document or give explanation thereof" shall be substituted.

11. *Amendment of section 20.*—Section 20 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added thereafter, namely :—

"(2) No person shall interfere with the enjoyment of any right or privilege protected under sub-section (1)."

The Bengal Co-operative Societies (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 846L., of the Legislative Department, dated the 27th April 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 28th April 1950.]

West Bengal Act XXXIII of 1950.

[*Passed by the West Bengal Legislature*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 28th April, 1950.]

An Act further to amend the Bengal Co-operative Societies Act, 1940.

WHEREAS it is expedient further to amend the Bengal Co-operative Societies Act, 1940 (Ben. Act XXI of 1940), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Co-operative Societies (West Bengal Amendment) Act, 1950.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint

2. *Amendment of section 73 of Ben. Act XXI of 1940.*—To section 73 of the Bengal Co-operative Societies Act, 1940, the following proviso shall be added, namely :—

"Provided that where the transfer of such share or interest is not possible within a reasonable time from the date on which the order directing the winding up of the society takes effect, the value, determined in accordance with the rules, of such share or interest, may, with the previous approval of the Registrar, be set off by the liquidator against any sum which is due by the society being wound up, to the co-operative society with limited liability of which such society is a member."

The Bengal Mining Settlements West Bengal Amendment) Act, 1950

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 847L, of the Legislative Department, dated the 27th April 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 28th April 1950]

West Bengal Act XXXIV of 1950.

[*Passed by the West Bengal Legislature*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 28th April, 1950]

An Act further to amend the Bengal Mining Settlements Act, 1912

WHEREAS it is expedient to increase the number of members constituting a Mines Board of Health appointed under section 3 of the Bengal Mining Settlements Act, 1912 (Ben. Act II of 1912), with a view to securing adequate representation on such Board, of different interests connected with mining settlements ;

AND WHEREAS it is necessary to enlarge the scope of the measures taken under section 5 of that Act ;

AND WHEREAS it is further necessary for the State Government to exercise due control on the activities of a Mines Board of Health ;

AND WHEREAS it is expedient further to amend the Bengal Mining Settlements Act, 1912, for the purposes aforesaid ;

It is hereby enacted as follows :—

1. *Short title.* This Act may be called the Bengal Mining Settlements (West Bengal Amendment) Act, 1950.

2. *Amendment of section 3 of Bengal Act II of 1912.*—In sub-section (1) of section 3 of the Bengal Mining Settlements Act, 1912 (hereinafter referred to as the said Act), for the word "nine" the word "fourteen" shall be substituted.

3. *Amendment of section 5* —In clause (a) of sub-section (2) of section 5 of the said Act, —

(1) the word "and" occurring after sub-clause (ii) shall be omitted, and

(2) after sub-clause (iii) the following shall be added, namely :—

"(iv) to provide for medical relief to residents ; and".

4. *Amendment of section 11A.*—In sub-section (1) of section 11A of the said Act,—

(1) the word "and" occurring after clause (x) shall be omitted ;

(2) clause (xi) shall be re-numbered as clause (xii), and

(3) after clause (x) the following shall be added, namely :—

"(xi) providing for medical relief to residents of the mining settlements ; and

5. *Insertion of new section 18A.*—After section 18 of the said Act the following section shall be inserted, namely :—

"18A. *Board to comply with directions of Government.*—A Mines Board of Health shall comply with all such directions as may be given to it from time to time by the State Government."

The Bengal Motor Vehicles Tax (West Bengal Amendment) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 878L., of the Legislative Department, dated the 2nd May 1950, published in the *Calcutta Gazette*, Part III, dated the 4th May 1950.]

West Bengal Act XXXV of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 4th May, 1950]

An Act further to amend the Bengal Motor Vehicles Tax Act, 1932.

WHEREAS it is expedient further to amend the Bengal Motor Vehicles Tax Act, 1932 (Ben Act I of 1932), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows : —

1. *Short title.*—This Act may be called the Bengal Motor Vehicles Tax (West Bengal Amendment) Act, 1950.

2. *Amendment of the First Schedule to Bengal Act I of 1932.*—(1) In the First Schedule to the Bengal Motor Vehicles Tax Act, 1932,—

(a) under sub heading "*II. Vehicles for carrying passengers not plying for hire.*" the following item and proviso shall be added, namely :—

"(d) If used for drawing a trailer in addition to the tax payable under (a) to (c), for each trailer : — Fifty rupees

Provided that, if one trailer is used with more than one vehicle, only one tax shall be chargeable under (d) in respect of such trailer for all such vehicles" ; and

(b) under sub heading "*III.—Vehicles for carrying passengers plying for hire.*" the following item and proviso shall be added, namely :—

"(d) If used for drawing a trailer in addition to the tax payable under (a) to (c) for each trailer :	Fifty rupees	Fifty rupees
Provided that, if one trailer is used with more than one vehicle, only one tax shall be chargeable under (d) in respect of such trailer for all such vehicles.		

(2) A tax imposed in consequence of the additions made under sub-heading II and sub-heading III of the First Schedule by sub-section (1), shall be deemed to have been imposed as from the first day of April, 1949 :

Provided that any such tax paid before the first day of April, 1949, shall be deemed to have been validly paid.

The West Bengal Appropriation Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 663L., of the Legislative Department, dated the 30th March 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 31st March 1950.]

West Bengal Act XX of 1950.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1950.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty first day of March, 1951 ;

It is hereby enacted as follows :—

1. *Short title and commencement* —(1) This Act may be called the West Bengal Appropriation Act, 1950.

(2) This Act shall come into force on the 1st day of April, 1950.

2. *Issue of Rs. 54,38,66 700 out of the Consolidated Fund of West Bengal for the year 1950-51.*—From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees fifty four crores thirty eight lakhs sixty six thousand and seven hundred towards defraying the several charges which will come in course of payment during the year ending on the thirty first day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation* —The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty first day of March, 1951.

SCHEDULE

[For Schedule, *see Calcutta Gazette*, Extraordinary, Part III, dated 31st March 1950, pages 419-423. *Editor.*]

The West Bengal Drugs (Control) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 890 L. of the Legislative Department, dated the 3rd May 1950, published in the *Calcutta Gazette*, Part III, dated the 4th May 1950]

West Bengal Act XXXVI of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette* of the 4th May 1950.]

An Act to provide for the control of the sale, supply and distribution of drugs.

WHEREAS it is expedient to provide for the control of the sale, supply and distribution of drugs ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called West Bengal Drugs (Control) Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force immediately on the West Bengal Drugs (Control) Ordinance, 1949 (West Ben. Ord VIII of 1949), ceasing to operate.

2. *Interpretation* —(1) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "dealer" means a person carrying on, either personally or through any other person, the business of selling any drugs, whether wholesale or retail ;

(b) "drug" means any drug, as defined in clause (b) of section 3 of the Drugs Act, 1940 (XXIII of 1940), in respect of which a declaration has been made under section 3 ;

(c) "offer for sale" includes a reference to an intimation by a person of the price proposed by him for a sale of any drug, made by the publication of a price list, by exposing the drug for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever ;

(d) "producer" includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person ;

(ii) notwithstanding that it is mortgaged to another person.

3. *Drugs to which this Act applies* —The State Government may, by notification in the *Official Gazette*, declare any drug to be a drug to which this Act shall apply.

4. *Fixing of maximum prices and maximum quantities which may be held or sold.*—(1) The State Government may, by notification in the *Official Gazette*, fix in respect of any drug—

(a) the maximum price or rate which may be charged by a dealer or producer ;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer ;

(c) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this section may be different in different localities or for different classes of dealers or producers.

5. *Restrictions on sale, etc., where maximum is fixed under section 4.*— No dealer or producer shall—

(a) sell, agree to sell, offer for sale or otherwise dispose of to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4 ;

(b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4 ; or

(c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4.

6. *General limitation on quantity which may be possessed at one time.*— (1) No person shall have in his possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

(2) This section shall apply only to such drugs as the State Government may, by order published in the *Official Gazette*, specify for the purpose :

Provided that nothing contained in this section shall apply to a dealer or producer in respect of any drug sold or produced by him.

7. *Duty to declare possession of excess stocks.*—Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the State Government or other officer empowered in this behalf by the State Government, and shall take such action as to the storage, distribution or disposal of the excess quantity as the State Government may direct.

8. *Refusal to sell.*—No dealer or producer shall, unless previously authourised to do so by the State Government, without sufficient cause refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

Explanation.—The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

9. *Cash memorandum to be given of certain sales.*—(1) Every dealer or producer when selling any drug for cash shall, if the amount of the purchase is five rupees or more, in all cases, and, if the amount of purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The State Government may, by notification in the *Official Gazette*, prescribe the particulars to be contained in any such cash memorandum.

(3) The State Government may, by notification in the *Official Gazette*, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

10. *Marking of prices and exhibiting price list.*—(1) The State Government may direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(2) No dealer shall destroy, efface or alter any label or mark affixed to a drug and indicating the price marked by a producer.

11. *Obligation to state price separately on composite offer.*—Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any drug and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to that drug, if he is required to do so by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell that drug at the price so stated.

12. *Prohibition of sale, etc., and requisitioning of drugs.*—(1) If in the opinion of the State Government it is necessary or expedient so to do, it may by order in writing—

(a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order;

(b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order;

(c) requisition any drug (whether at the place of import or at any other place);

and make such further orders as appear to it to be necessary or expedient in connection with any order issued under this sub-section.

(2) Where the State Government has requisitioned any drug under sub-section (1), it may use or deal with the drug in such manner as may appear to it to be expedient, and may acquire it by serving on the owner thereof, or, where the owner is not readily traceable or the ownership is in dispute by publishing in the *Official Gazette* a notice stating that the State Government has decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the drug or published in the *Official Gazette* under sub-section (2), then at the

beginning of the day on which the notice is so served or published, the drug shall vest in the State free from any encumbrance and the requisition thereof shall be deemed to have ended.

(4) Whenever in pursuance of this section, the State Government requisitions or acquires any drug, the State Government shall pay to the owner thereof such amount as compensation as in the opinion of the State Government fairly represents the loss caused to the owner by such requisition or acquisition.

(5) The State Government may, with a view to requisitioning any drug under sub section (1) or determining the compensation payable under sub-section (4), by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the drug as may be so specified ;

(b) direct that the owner of the drug shall not, without the permission of the State Gouernment, dispose of it till the expiry of such period as may be specified in the order

13. *Penalties.*—(1) Whoever contravenes any of the provisions of this Act or of any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of drugs in respect of which the offence was committed shall be forfeited to the State.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of this section to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

14. *Offences by corporations.*—Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

15 *Procedure.*—(1) No person other than a police officer of or above the rank of an Inspector of Police or an officer other than a police officer, authorised in this behalf by the State Government by notification in the *Official Gazette*, shall, investigate any offence under this Act.

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction in the Presidency town of Calcutta of the Commissioner of Excise, West Bengal, and elsewhere, of the District Magistrate

16 *Powers of search and seizure* —Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being committed, and take possession of any stock of drugs in respect of which the offence has been or is being committed.

17. *Power to make rules.*—(1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

(a) the maintenance by dealers and producers generally, or by any dealer or producer in particular, of records of all sale and purchase transactions made by them ;

(b) the furnishing of any information as may be required with respect to the business carried on by any dealer or producer ;

(c) the inspection of any books of account or other documents belonging to or under the control of any dealer or producer.

18. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

19. *Saving of other laws.*—The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

20 *Savings and validation.*—Any rule, order, declaration, requisition or acquisition made, any notification or direction issued, any proceedings commenced, any compensation or punishment awarded, any action taken, and anything done in exercise of any power conferred by or under the West Bengal Drugs (Control) Ordinance, 1949 (West Ben. Ord. VIII of 1949), shall, on the said Ordinance ceasing to operate, be deemed to have been made, issued, commenced, awarded, taken or done in exercise of powers conferred by or under this Act as if this Act had commenced on the 3rd day of October, 1949.

The Legislative Assembly of West Bengal (Removal of Disqualifications) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1938L , of the Legislative Department, dated the 30th October, 1950; published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 1st November 1950.]

West Bengal Act XXXVIII of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 1st November, 1950]

An Act to declare that the holders of certain offices of profit shall not be disqualified for being chosen as, and for being, members of the West Bengal Legislative Assembly.

WHEREAS it is expedient to declare in accordance with the provisions contained in sub-clause (a) of clause (1) of article 191 of the Constitution of India that the holders of certain offices of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution shall not be disqualified for being chosen as, and for being, members of the West Bengal Legislative Assembly ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Legislative Assembly of West Bengal (Removal of Disqualifications) Act, 1950

(2) It shall come into force immediately on the Legislative Assembly of West Bengal (Removal of Disqualifications) Ordinance, 1950 (West Ben. Ord. XII of 1950), ceasing to operate.

2. *Removal of certain disqualifications for membership.*—It is hereby declared that a person shall not be disqualified for being chosen as, and for being, a member of the Legislative Assembly of West Bengal by reason only of the fact that he holds any of the following offices of profit under

the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, namely :—

(a) an office of a Parliamentary Secretary or a Parliamentary Under-Secretary ;

(b) an office which is not a whole-time office remunerated either by salary or by fees.

The West Bengal Collective Fines Act, 1950

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1939L., of the Legislative Department, dated the 30th October 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 1st November 1950.]

West Bengal Act XXXIX of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 1st November, 1950.]

An Act to provide for the imposition of collective fines.

WHEREAS it is expedient to provide for the imposition of collective fines in connection with acts prejudicially affecting the maintenance of public order ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Collective Fines Act, 1950.

(2) It shall come into force immediately on the West Bengal Collective Fines Ordinance, 1950 (West Ben. Ord. XIII of 1950), ceasing to operate.

2. *Imposition of collective fine on inhabitants of area.*—(1) If it appears to the State Government that the inhabitants of any area are concerned in or abetting the commission of acts prejudicially affecting the maintenance of public order (which expression "public order" shall, without prejudice to the generality of its meaning, include public safety and communal harmony) or are harbouring persons concerned in the commission of such acts, or are failing to render all the assistance in their power to discover or apprehend such persons, or are suppressing material evidence of the commission of such acts, the State Government may, by notification in the *Official Gazette*, impose a collective fine on the inhabitants of that area.

(2) The State Government or any officer empowered in this behalf by the State Government may, by general or special order, exempt any person or class or section of such inhabitants from liability to pay the whole or any part of the fine apportioned to them.

(3) The Commissioner of Police in Calcutta and the District Magistrate elsewhere after such enquiry as he may deem necessary by himself or some other officer deputed for the purpose, shall apportion such fine amongst the inhabitants who are liable collectively to pay it and such apportionment shall be made according to the judgment of the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered—

(a) in the manner provided by the Code of Criminal Procedure, 1898 (Act V of 1898), for the recovery of fines imposed by a Court :

Provided that the State Government may, in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure, 1898,

make rules under this Act regulating the manner in which warrants under clause (a) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant ; or.

(b) as arrears of land revenue.

Explanation.—For the purposes of this section—

(a) the expression "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866 (Ben. Act IV of 1866), together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866 (Ben. Act II of 1866).

(b) the expression "inhabitants of an area" includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

3. *Bar to legal proceedings.*—No suit, prosecution or other legal proceedings whatsoever shall lie against any person for or in respect of anything which is in good faith done or intended to be done under this Act.

4. *Power to make rules* —The State Government may make rules for carrying out the purposes of this Act.

5. *Savings.*—Any fine imposed, any apportionment made, any action taken or anything whatsoever done under the West Bengal Collective Fines Ordinance, 1950 (West Ben. Ord XIII of 1950), shall on the said Ordinance ceasing to operate be deemed to have been imposed, made, taken or done under this Act as if this Act had commenced on the 14th day of September, 1950.

The Contingency Fund of West Bengal Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1940L., of the Legislative Department published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 1st November 1950.)

West Bengal Act XL of 1950

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 1st November, 1950.]

An Act to provide for the establishment and maintenance of a Contingency Fund.

WHEREAS it is expedient to provide for the establishment and maintenance of a Contingency Fund.

It is hereby enacted as follows :-

1. *Short title.*—This Act may be called the Contingency Fund of West Bengal Act, 1950.

2. *Establishment of the Contingency Fund of West Bengal* – There shall be established a Contingency Fund in the nature of an imprest, entitled the Contingency Fund of West Bengal, into which shall be paid from and out of the Consolidated Fund of West Bengal a sum of fifty lakhs of rupees.

3. *Custody of the Contingency Fund and withdrawals therefrom.*—The Contingency Fund of West Bengal shall be held on behalf of the Governor of West Bengal by a Secretary to the Government of West Bengal in the Finance Department, and no advances shall be made out of such Fund except for the purposes of meeting unforeseen expenditure

pending authorisation of such expenditure by the Legislative Assembly of West Bengal under appropriations made by law.

4. *Power to make rules*.—For the purposes of carrying out the objects of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawals of moneys from, the Contingency Fund of West Wengal.

The West Bengal Appropriation (No. 2) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1941L, of the Legislative Department, dated the 30th October, 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 1st November 1950.]

West Bengal Act XLI of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the first November, 1950.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951;

It is hereby enacted as follows:—

1. *Short title*.—This Act may be called the West Bengal Appropriation (No. 2) Act, 1950.

2. *Issue of Rs. 3,93,89,001 out of the Consolidated Fund of West Bengal for the year 1950-51*.—From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees three crores ninety-three lakhs eighty-nine thousand and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation*.—The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

Schedule.

[For Schedule, see Calcutta Gazette, Extraordinary, Part III, dated the 1st November, 1950, pages 1393-1394. Editor.]

The West Dinajpur Union Boards Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1944L, of the Legislative Department, dated the 1st November 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 3rd November 1950.]

West Bengal Act XLII of 1950.

[*Passed by the West Bengal Legislature*]

(Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd November, 1950.]

An Act for the removal of doubts regarding the local area of the Hilli union and the membership and the tenure of membership of the Hilli union board in

the district of West Dinajpur and for modifying the operation of the West Dinajpur Union Boards Ordinance, 1950.

WHEREAS under the award of the Boundary Commission, the local area in the district of Dinajpur in the Province of Bengal which was orginally declared under section 5 of the Bengal Village Self-Government Act, 1919 (Ben. Act V of 1919) (hereinafter referred to as the said Act), to be the Hilli union, fell partly within the Province of West Bengal and partly within the Province of East Bengal ;

AND WHEREAS since the said award, doubts have arisen regarding the local area of the Hilli union and the membership and the tenure of membership of the Hilli union board ;

AND WHEREAS it is expedient to remove such doubts ;

AND WHEREAS it is also expedient to modify the operation of the West Dinajpur Union Boards Ordinance, 1950 (West Ben. Ord. IX of 1950), in certain respects ;

It is hereby enacted as follows :—

1. *Short title and commencement*.—(1) This Act may be called the West Dinajpur Union Boards Act, 1950.

(2) This section and section 6 shall come into force at once ; the rest of the Act shall come into force immediately on the West Dinajpur Union Boards Ordinance, 1950, ceasing to operate.

2. *Definitions*.—In this Act,—

(a) "appointed day" means the date on which the award of the Boundary Commission came into force ;

(b) "Boundary Commission" means the Boundary Commission referred to in the Indian Independence Act, 1947 (10 & 11 Geo. VI c. 30.)

3. *Local area of Hilli union*.—On and from the appointed day, the Hilli union shall for the purposes of section 5 of the said Act, be deemed to comprise of so much of the local area orginally declared under the said section to be the local area of the said union as is situated in the district of West Dinajpur

4. *Membership of the Hilli union board*.—On and from the appoin ed day, the Hilli union boa d shall, for the purposes of section 6 of the said Act, be deemed to be constituted of such members of the said union board who immediately before the appointed day were holding office as such members and were resident within areas now comprised in West Bengal

5. *Term of office of members of the Hilli union board*.—The members of the Hilli union board referred to in section 4 shall hold office up to the 8th day of April, 1951, and for any further period wh ch may elapse between the expiration of the said date and the date of the first meeting at which a quorum is present of the newly elected members after the next general election for the said union board

6. *West Bengal Ord. IX of 1950 not to have effect in certain respects*.—So much of the West Dinajpur Union Boards Ordinance, 1950 (West Ben. Ord. IX of 1950) as relates to the local areas of the B nshira and Dhalpara unions and the membership and the tenure of membership of the Binshira and Dhalpara union boards shall be deemed never to have been in force.

The West Bengal Dental Board Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1945 L., of the Legislative Department, dated the 1st November 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 3rd November 1950.]

West Bengal Act XLIII of 1950

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd November, 1950.]

An Act to provide for the continuance of the constitution of the West Bengal Dental Board as heretofore until the 31st day of December, 1950.

WHEREAS it is expedient that the West Bengal Dental Board shall continue to be constituted as heretofore until the 31st day of December, 1950;

It is hereby enacted as follows :—

1. *Short title, extent, and commencement.*—(1) This Act may be called the West Bengal Dental Board Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force immediately on the West Bengal Dental Board Ordinance, 1950 (West Ben. Ord. VI of 1950), ceasing to operate.

2. *Constitution of the West Bengal Dental Board to continue as heretofore.*—Notwithstanding anything contained in any Act, notification, order or other law, the West Bengal Dental Board shall be deemed to consist, up to the 31st day of December, 1950, of the members holding office as members of the said Board immediately before the commencement of this Act and the term of office of such members shall extend up to that date.

The Calcutta Municipal (Second Amendment) Act, 1950

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1946 L., of the Legislative Department, dated the 1st November, 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 3rd November, 1950]

West Bengal Act XLIV of 1950

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd November, 1950]

An Act further to amend the Calcutta Municipal Act, 1923.

WHEREAS it is expedient further to amend the Calcutta Municipal Act, 1923 (Ben. Act III of 1923), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Calcutta Municipal (Second Amendment) Act, 1950.

(2) It shall come into force immediately on the Calcutta Municipal (Amendment) Ordinance, 1950 (West Ben. Ord. V of 1950), ceasing to operate.

2. *Amendment of section 140 of Bengal Act III of 1923.*—In sub-section (2) of section 140 of the Calcutta Municipal Act, 1923 (hereinafter referred to as the said Act), after the words "Deputy Executive Officer" the words "or any officer specially appointed by the Corporation with the approval of the State Government for hearing objections" shall be inserted.

3. *Amendment of section 142.*—In sub-section (2) of section 142 of the said Act, the words "by the Executive Officer or Deputy Executive Officer" shall be omitted.

4. *Savings.*—Any investigation or proceeding commenced or continued, any notice given, any objection heard or determined, any order passed, any action taken or anything whatsoever done under the said Act,

as amended by the Calcutta Municipal (Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been commenced, continued, given, heard, determined, passed, taken or done under the said Act as amended by this Act as if this Act had commenced on the 25th day of April, 1950.

The West Bengal Disturbances Commission of Enquiry Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1948L., of the Legislative Department, dated the 1st November, 1950, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 3rd November, 1950]

West Bengal Act XLV of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd November, 1950.]

An Act to vest the Commission of Enquiry appointed to enquire into the recent disturbances in West Bengal with certain powers.

WHEREAS a Commission of Enquiry has been appointed to enquire into the recent disturbances in West Bengal;

AND WHEREAS it is expedient to vest the said Commission of Enquiry with powers of a Civil Court;

It is hereby enacted as follows:—

1. *Short title, extent and commencement*.—(1) This Act may be called the West Bengal Disturbances Commission of Enquiry Act, 1950.

(2) It extends to the whole of West Bengal.

(3) It shall come into force immediately on the West Bengal Disturbances Commission of Enquiry Ordinance, 1950 (West Ben. Ord. VII of 1950), ceasing to operate.

2. *Powers of Commission of Enquiry*.—The Commission of Enquiry appointed under Resolution of the Government of West Bengal, in the Home Department No. 2394- C.R./CR-475/50Pt. II, dated the 13th May, 1950 (hereinafter referred to as the Commission), shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480, 481 and 482 of the Code of Criminal Procedure, 1948 (Act V of 1898). The Commission shall furthermore have the same powers of dealing with contempt of the Commission or any of its members or of, or in respect of, any proceedings of the Commission as if the Commission were a High Court referred to in article 214 of the Constitution of India.

3. *Statements made by persons to the Commission*.—Except in a prosecution for giving false evidence, no statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceedings:

Provided that such statement—

(a) is one which the Commission permits or requires to be made before it by such person; and

(b) is relevant to the subject matter of the inquiry.

4. *Savings*.—Any power exercised, any action taken or anything whatsoever done under any provision of the West Bengal Disturbances Commission of Enquiry Ordinance, 1950, shall, on the said Ordinance

ceasing to operate, be deemed to have been exercised, taken or done under the corresponding provision of this Act as if this Act had commenced on the 3rd day of June, 1950.

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The Corporation of Calcutta (Temporary Supersession) (Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 419L., of the Legislative Department, dated the 13th March 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 15th March 1951.]

West Bengal Act I of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1951.]

An Act further to amend the Corporation of Calcutta (Temporary Supersession) Act, 1948.

WHEREAS it is expedient further to amend the Corporation of Calcutta (Temporary Supersession) Act, 1948 (West Ben. Act VIII of 1948), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Corporation of Calcutta (Temporary Supersession) (Amendment) Act, 1951.

(2) It shall come into force immediately on the Corporation of Calcutta (Temporary Supersession) (Second Amendment) Ordinance, 1950 (West Ben. Ord. XVIII of 1950), ceasing to operate.

2. *Amendment of section 1 of West Bengal Act VIII of 1948.*—In sub-section (3) of section 1 of the Corporation of Calcutta (Temporary Supersession) Act, 1948, for the words and figures "31st day of December, 1950", the words and figures "31st day of March, 1952" shall be substituted.

3. *Savings.*—On the Corporation of Calcutta (Temporary Supersession) (Second Amendment) Ordinance, 1950, ceasing to operate, section 8 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899), shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

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The Bengal (Aliens) Disqualification (West Bengal Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 420L., of the Legislative Department, dated the 13th March 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 15th March 1951.]

West Bengal Act II of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1951.]

An Act further to amend the Bengal (Aliens) Disqualification Act, 1918.

WHEREAS it is expedient further to amend the Bengal (Aliens) Disqualification Act, 1918 (Ben. Act III of 1918) for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal (Aliens) Disqualification (West Bengal Amendment) Act, 1951.

(2) It shall come into force immediately on the Bengal (Aliens) Dis-

qualification (West Bengal Amendment) Ordinance, 1950 (West Ben. Ord. XVI of 1950), ceasing to operate.

2. *Amendment of section 3 of Bengal Act III of 1918.*—In section 3 of the Bengal (Aliens) Disqualification Act, 1918—

(a) for the words "British subjects or a subject of an Acceding State", the words "citizen of India" ; and

(b) for the words "British subject or subjects of an Acceding State", the words "citizens of India", shall be substituted.

3. *Savings.*—Any notification issued, any action taken or anything whatsoever done under the Bengal (Aliens) Disqualification Act, 1918 as amended by the Bengal (Aliens) Disqualification (West Bengal Amendment) Ordinance, 1950, shall, on the said Ordinance ceasing to operate, be deemed to have been issued, taken or done under the said Act as amended by this Act as if this Act had commenced on the 11th day of December, 1950.

The West Bengal Secondary Education (Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 429L., of the Legislative Department, dated the 14th March 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 15th March 1951.]

West Bengal Act III of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1951.]

An Act to amend the West Bengal Secondary Education Act, 1950.

WHEREAS it is expedient to amend the West Bengal Secondary Education Act, 1950 (West Ben. Act XXXVII of 1950), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Secondary Education (Amendment) Act, 1951.

(2) It shall come into force immediately on the West Bengal Secondary Education (Amendment) Ordinance, 1951 (West Ben. Ord. I of 1951), ceasing to operate.

2. *Amendment of section 4 of West Bengal Act XXXVII of 1950.*—In clause (20) of section 4 of the West Bengal Secondary Education Act, 1950 (hereinafter referred to as the said Act), for the words "Board of Technical Education" the words "State Council for Engineering and Technical Education" shall be substituted.

3. *Savings.*—Any election held or any action taken or anything whatsoever done under the said Act as amended by the West Bengal Secondary Education (Amendment) Ordinance, 1951, shall, on the said Ordinance ceasing to operate, be deemed to have been held, taken or done under the said Act as amended by this Act as if this Act had commenced on the 5th day of February, 1951.

The Bengal Amusements Tax (West Bengal (Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 430L., of the Legislative Department, dated the 14th March 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 15th March 1951.]

West Bengal Act IV of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March 1951.]

An Act further to amend the Bengal Amusements Tax Act, 1922.

WHEREAS it is expedient further to amend the Bengal Amusements Tax Act, 1922 (Ben. Act V of 1922), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title and commencement.* (1) This Act may be called the Bengal Amusements Tax (West Bengal Amendment) Act, 1951.

(2) It shall come into force immediately on the Bengal Amusements Tax (West Bengal Amendment) Ordinance, 1950 (West Ben. Ord. XV of 1950), ceasing to operate.

2. *Amendment of section 15 of Bengal Act V of 1922.*—In section 15 of the Bengal Amusements Tax Act, 1922 (hereinafter referred to as the said Act), for the words "twenty *per cent.*" wherever they occur the words "twelve and a half *per cent.*" shall be substituted.

3. *Substitution of new section for section 18.*—For section 18 of the said Act, the following section shall be substituted, namely :—

"18. *Betting tax.* (1) There shall be charged, levied and paid to the State Government out of the monies paid or agreed to be paid to a licensed bookmaker by a backer in respect of a bet made in an enclosure set apart under the provisions of the Bengal Public Gambling (Amendment) Act, 1913 (Ben. Act IV of 1913), on any race, a tax, hereinafter referred to as the betting tax, amounting to twelve and a half *per cent.* of such monies

(2) The betting tax shall be collected and paid to the State Government by a licensed bookmaker in such manner as may be prescribed."

4. *Omission of section 19.*—Section 19 of the said Act shall be omitted.

5. *Amendment of section 20.*—In sub-section (2) of section 20 of the said Act, for the words "by them to backers in satisfaction of bets" the words "to them by backers in respect of bets" shall be substituted.

6. *Amendment of section 21.*—In sub-section (2) of section 21 of the said Act, for the words and figures "to make over to the prescribed officer under section 19" the words and figures "to pay to the State Government under section 18" shall be substituted.

7. *Savings.*—On the Bengal Amusements Tax (West Bengal Amendment) Ordinance, 1950, ceasing to operate, section 8 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899), shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

The West Bengal Evacuee Property Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 472L., of the Legislative Department, dated the 21st March, 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 21st March 1951.

West Bengal Act V of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 21st March, 1951.]

An Act to provide for certain matters relating to evacuee property.

WHEREAS it is expedient to provide for certain matters relating to

evacuee property ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the West Bengal Evacuee Property Act, 1951.

(2) It extends to the whole of West Bengal.

(3) It shall come into force immediately on the West Bengal Evacuee Property Ordinance, 1951 (West Ben. Ord. II of 1951), ceasing to operate.

(4) It shall not apply to any property acquired or requisitioned by the State Government for the purposes of the State or for any public purpose.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "allotment" means the grant by the Collector of a temporary right to use and occupy any property otherwise than by way of lease ;

(b) "appointed day" means the 31st day of March, 1951 ;

(c) "evacuee" means a person ordinarily resident in West Bengal who on account of communal disturbances or the fear of such disturbances leaves, or has after the 15th day of August, 1947, left, West Bengal, for any place in Pakistan and includes the legal heirs of such person ;

(d) "property" means immovable property ;

(e) "prescribed" means prescribed by rules made under this Act ;

(f) "the Collector" used in relation to any property means—

(i) where the property is situated within Calcutta as defined in section 3 of the Calcutta Police Act, 1866 (Ben. Act IV of 1866), or within the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866 (Ben. Act II of 1866)—

the Commissioner of Police, Calcutta, or

an officer appointed in this behalf by the State Government to perform all or any of the functions of a Collector under this Act ;

(ii) where the property is situated elsewhere than as aforesaid—

the Collector of the district within which the property is situated, or

an Additional District Magistrate of such district, appointed in this behalf by the State Government to perform all or any of the functions of a Collector under this Act ;

(g) "the Committee" means the Evacuee Property Management Committtee for West Bengal constituted under sub-section (1) of section 11 ;

(h) "urban area" means Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923 (Ben. Act III of 1923) or any place where the Bengal Municipal Act, 1932 (Ben. Act XV of 1932) is in force and includes any other area declared by the State Government to be an urban area for the purpose of this Act, by notification in the *Official Gazette*.

3. *Evacuee property.*—Every property of an evacuee lying in West Bengal, other than property in charge of the Court of Wards, is hereby declared to be evacuee property.

4. *Powers and duties of a Collector.*—(1) The Collector or an officer to whom the powers of a Collector are delegated under section 10, if he is satisfied with respect to any evacuee property that such property is lying unoccupied, uncultivated or uncared for, or has come to be wrongfully used or occupied by any person, may, by order styled a Collector's order, subject to any general or special orders of the State Government,—

(a) take such measures as he considers necessary or expedient for the purposes of protecting and preserving such property and do such act

and incur such expenses as may be necessary or incidental for such purposes ;

(b) remove or cause to be removed, by force if necessary, any person who is wrongfully using or occupying such property.

(2) Where an order has been passed in respect of any evacuee property of an evacuee the Collector shall report to the Committee –

(i) if before the expiry of the appointed day, the evacuee makes to the Collector a declaration of his intention not to return to West Bengal – as soon as may be, after he received such declaration ;

(ii) if before the expiry of the appointed day the evacuee does not make a declaration to the Collector of his intention not to return to West Bengal—as soon as may be, after the appointed day.

5. *Cancellation of Collector's Order and delivery of possession.*— (1) An evacuee who returns to West Bengal before the expiry of the appointed day may apply in writing to the Collector before the expiry of that day—

(a) Where a Collector's Order has been made in respect of any of his evacuee property and such property is not in the wrongful use or occupation of any person—for the cancellation of such order ;

(b) where a Collector's Order has been made in respect of any of his evacuee property and such property is in the wrongful use or occupation of any person – for the cancellation of such order and for the delivery of possession of such property ; and

(c) where a Collector's Order has not been made in respect of any of his evacuee property and such property is in the wrongful use or occupation of any person—for the delivery of possession of such property.

(2) Upon an application aforesaid being made the Collector may, after making such summary inquiry as he thinks fit,—

(a) in cases coming under sub-clause (a) or (b) of sub-section (1) cancel the Collector's Order ; and

(b) in cases coming under clause (b) or (c) of sub-section (1), also cause the possession of such property to be delivered to the evacuee and may use or cause to be used force for such purposes, if necessary.

(3) Where the Collector is of opinion that the cancellation of the Collector's Order or the delivery of possession would not be feasible under sub-section (2), he shall report the case to the State Government and the State Government shall thereupon refer the case to the Minority Commission constituted under Notification No. 2276CR/CR-481/50, dated the 6th May, 1950, for advice. The State Government shall after considering such advice pass such order as it thinks fit, so however, that if the State Government is of opinion that exceptional circumstances exist on account of which it would not be feasible to cancel the Collector's Order or to cause the possession of the evacuee property to be delivered, it shall take such steps for adequately rehabilitating the evacuee as it deems necessary.

6. *Exceptions, etc.*—(1) Save and except as provided in sub-section (2), nothing in section 5 shall apply to any evacuee property of an evacuee, situated within an urban area, if the evacuee left West Bengal for a place in Pakistan, prior to the 1st day of January, 1950.

(2) The provisions of section 5 shall apply to an evacuee property of an evacuee situated within an urban area held by the evacuee as a tenant-at-will or a *thika* tenant or a monthly tenant, if, and only if on the date of the application under sub-section (1) of section 5, such property is not in the possession of a person other than the evacuee, holding under a lease granted by or with the authority of the immediate landlord of the evacuee.

7. *Exemption of evacuee property from attachment, etc.*—(1) No evacuee property shall be liable to attachment, distraint or sale in execution of a decree or order of a Court, or any other authority, while a Collector's Order is in force in respect of such property.

(2) In computing the period of limitation applicable to any suit, appeal or application in respect of any evacuee property the time during which a Collector's Order remains in force in respect of such property shall be excluded.

8. *Expenses incurred by the Collector.*—Any expenses incurred by the Collector in the exercise or discharge of any powers, duties or functions under this Act or the rules made thereunder, in respect of any evacuee property shall be the first charge on the receipts derived from such property, and any such expenses may be recouped by the Collector out of such receipts.

9. *Maintenance of accounts and payments to the evacuee or his successor.*—(1) The Collector shall, in the prescribed manner, maintain an account of the receipts derived from and the payments made in respect of every evacuee property, while a Collector's Order is in force in respect of such property.

(2) Upon the cancellation of a Collector's Order under section 5 or upon a Collector's Order standing cancelled under sub-section (4) of section 17, the Collector shall pay to the evacuee in respect of whose evacuee property the Collector's Order was made or his successors in interest, as the case may be, the balance which remains after deducting the payments made in respect of such property from the receipts derived from such property.

10. *Delegation of powers by the Collector.*—The Collector may, by general or special order, delegate all or any of his powers, duties or functions under this Act or the rules made thereunder to such officer of the State Government as he thinks fit.

11. *Constitution of the Committee.*—(1) The State Government shall, by notification in the *Official Gazette*, constitute an Evacuee Property Management Committee for West Bengal.

(2) The Committee shall consist of a President and three other members.

(3) The President shall be an officer of the State Government appointed in this behalf by the State Government from time to time, and the other members shall be appointed by the State Government from among the members of the Minority Community.

(4) The Committee shall be a body corporate by the name of the Evacuee Property Management Committee of West Bengal and shall have perpetual succession and a common seal and shall by the said name sue and be sued.

12. *Resignation and removal of members and filling up of vacancies.*—(1) A member of the Committee, other than the President, may, by writing under his hand, delivered to the prescribed officer of the State Government, resign his office after giving one month's notice of his intention to resign.

(2) The State Government may at any time remove any member of the Committee on any of the following grounds, namely :—

(a) that he has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude ;

(b) that he has applied to be adjudged or has been adjudged an insolvent ;

(c) that he, in the opinion of the State Government, is incompetent, or incapable of or unfit to perform the duties of his office on account of physical or mental infirmity ;

(d) that he, in the opinion of the State Government, has been mismanaging the properties of which the Committee has taken charge.

(3) In the event of vacancy occurring in the office of any member of the Committee, other than the President, by death, resignation, removal or otherwise, the State Government shall fill up the vacancy in the manner provided in sub-section (3) of section 11.

13. *Conduct of business of the Committee.*—The Committee may, with the approval of the State Government, make regulations for conducting its business and may act notwithstanding any vacancy in the office of any member other than that of the President :

Provided that the quorum for a meeting of the Committee shall be two members, one of whom shall be the President.

14. *Officers of the Committee.*—(1) In the exercise or discharge of its powers, duties and functions, the Committee may be assisted by such number of officers (hereinafter referred to as Administrative Officers) as may be appointed by the Committee with the approval of the State Government and by such other staff as may be appointed by the Committee.

(2) An Administrative Officer shall, on appointment, furnish such security as may be fixed by the State Government.

15. *Allowances of President and members and remuneration of officers.*—(1) The members of the Committee shall not be entitled to any salary but may receive such allowances as may be fixed by the State Government.

(2) The remuneration of the Administrative Officers and of other staff shall be such as may be fixed by the State Government.

16. *Expenses incurred by the Committee.*—(1) The salary and allowances of the President, the allowances of other members of the Committee, the remuneration of the Administrative Officers and other staff and such other expenses as may be incurred by the Committee in the exercise or discharge of any of its powers, duties and functions under this Act or the rules made thereunder in respect of any evacuee property, shall be defrayed out of levy at such rate, as may be prescribed, on the receipts derived from such property and shall, subject to the provisions of section 8, be a first charge on such receipts.

(2) The State Government may from time to time make such advances to the Committee as may be necessary to enable it to function. All such advances shall be recoverable with interest at three *per centum per annum* from the receipts derived from the properties which may vest in the Committee and shall subject to sub-section (1) be a charge on every and all such properties and shall have priority over all other charges on every and all such properties.

17. *Management by the Committee.*—(1) The Committee may take charge of any evacuee property of an evacuee in the following cases :—

(a) where a report is received from the Collector under sub-section (2) of section 4, or

(b) where before the appointed day the evacuee makes a declaration before the prescribed authority of his intention not to return to West Bengal, or

(c) where after the appointed day the evacuee has not returned to

West Bengal, whether there is or is not a declaration by the evacuee of his intention not to return or whether there is or is not an application to the Committee to take charge of his property.

(2) Before taking charge of an evacuee property, the Committee shall cause a public notice to be given in the prescribed manner calling for objections to the taking of charge of such property by the Committee to be filed before the Committee within a date specified in such notice.

(3) Where objections are filed under sub-section (2), the Committee shall summarily decide the objections after calling, if necessary, for a report from the Collector of the district in which the property or any part thereof is situated.

(4) If there are no such objections as aforesaid or if the Committee, after proceeding in the manner aforesaid, rejects all such objections, the Committee shall pass an order directing that the charge of the property be taken by the Committee and thereupon such property shall vest in the Committee and any Collector's Order made in respect of such property shall stand cancelled.

(5) Where any evacuee property vests in the Committee under sub-section (4), the Committee shall, as soon as may be, give public notice of the fact in the prescribed manner.

(6) Notwithstanding anything contained in the foregoing provisions of this section, the Committee shall not take charge of any evacuee property if the evacuee being the sole owner or the entire body of co-sharer owners of such property, objects to the charge thereof being taken by the Committee and furnishes evidence to the satisfaction of the Committee that adequate arrangements have been made for the management and proper utilization thereof.

(7) Nothing in this section shall affect the right of any person to establish his title in a competent Court.

18. *Power of evacuee to dispose of property.* (1) An evacuee, whose property has vested in the Committee, may nevertheless at any time dispose of such property by sale, exchange, gift, mortgage (not being an usufructuary mortgage) or otherwise but not by way of lease.

(2) Upon such disposition as aforesaid, the evacuee shall intimate the Committee thereof and the Committee shall, as soon as may be, cause a public notice to be given in the prescribed manner.

(3) A disposition as aforesaid shall, subject to the provisions of sub-section (3) of section 21, take effect on and from the date of the publication of the notice referred to in sub-section (2) and on and from that date the evacuee property shall cease to vest in the Committee and the Committee shall be absolved of all further responsibility in respect thereof.

19. *Power, rights and liabilities of the Committee.*—(1) Subject to the provisions of this Act, the Committee shall have all the rights, powers and liabilities of an owner in respect of any evacuee property of an evacuee vested in it.

(2) The Committee shall take such measures as may be necessary for the good management and protection of any evacuee property of an evacuee vested in it, for the assertion of title thereto and for obtaining possession thereof and may for such purposes do all acts and incur all expenses which are necessary or incidental.

(3) (i) The Committee shall maintain, in the prescribed form, accounts of all evacuee property vested in it, a separate account being maintained in respect of each evacuee or where the property of a body of co-sharer

evacuees are managed jointly, in respect of each such body of co-sharer evacuees.

(ii) The State Government shall cause such accounts to be audited at such intervals and by such person as may be prescribed. The cost of such audit shall be paid by the Committee according to the prescribed scale.

(iii) A copy of the audited accounts as aforesaid of the evacuee property shall be supplied to the evacuee or the body of co-sharer evacuees by the Committee on application and the audited accounts shall also be available in the prescribed manner for inspection by the evacuee or any co-sharer evacuee or any agent of the evacuee or a co-sharer evacuee authorised in writing.

(4) The Committee shall pay to an evacuee in such manner and at such intervals as may be prescribed, the receipts derived from his property vested in the Committee, after deducting therefrom all sums debitable to such receipts.

20. *Certain payments not to be valid discharge.*—No payment made, after publication of a notice under sub-section (5) of section 17, on account of any amount due to the evacuee in respect of his property vested in the Committee save and except to the Committee or some person appointed by the Committee, shall constitute a valid discharge of any liability in respect thereof.

21. *Restrictions on transfer by Committee.*—(1) Save and except as provided in sub-section (2), the Comm ttee shall not be entitled to transfer any evacuee property vested in it, except with the written consent of the evacuee.

(2) The Committee may lease or let out any evacuee property vested in it or part thereof for a period, not exceeding three months in the case of evacuee property situated in an urban area and not exceeding twelve months in the case of other evacuee p operty, at any one time:

Provided that in leasing or letting out the evacuee property, the Committee shall give on each occasion the first preference to the person to whom any allotment of such property or a part thereof was made by the Collector under the West Bengal Evacuee Property Ordinance, 1951 (West Ben. Ord. II of 1951), except where the Collector reports to the Committee that such person committed a breach of the terms and conditions of such allotment, or where such property consists of land used for or in connection with agricultural purposes, neglected to cultivate such property properly.

(3) A lease or letting out as aforesaid shall be binding on the evacuee and his successors in interest but only for the period for which the evacuee property is leased or let out.

(4) Notwithstanding anything contained in any other law for the time being in force, nothing in this section shall confer a right of occupancy on any person to whom any evacuee property is leased or let out by the Committee.

(5) If the person to whom any evacuee pr operty is leased or let under sub-section (2) holds over after the expiry of the period of lease or letting out, such person shall be liable to be evicted without notice.

22. *Restoration of property to evacuee.*—(1) An evacuee may at any time after he returns to West Bengal but not later than the appointed day apply in writing to the Committee for the restoration of any of his evacuee property of which the Committee has taken charge.

(2) As soon as may be after such application is received, the Com-

mittee shall cause a public notice to be given in the prescribed manner that such property shall be restored to the applicant if no objections to his title are received within a date specified in such notice.

(3) If no objections as aforesaid are received within the date specified in such notice, the Committee shall make an order that the evacuee property be restored to the applicant.

(4) If any objections as aforesaid are received within the date specified in such notice, the Committee shall summarily decide such objections after calling, if necessary, for a report from the Collector of the district in which the property or any part thereof is situated. If the Committee, after proceeding in the manner aforesaid, rejects such objections, the Committee shall make an order that the evacuee property be restored to the applicant.

(5) Upon an order under sub-section (3) or sub-section (4) being made, the evacuee property shall cease to vest in the Committee and shall, subject to sub-section (3) of section 21, vest in the applicant and the Committee shall, subject to sub-section (6), be absolved of all further responsibility in respect of the evacuee property.

(6) The Committee shall, as soon as may be, give public notice in the prescribed manner of any order made under sub-section (3) or sub-section (4).

(7) Nothing in this section shall affect the right of any person to establish his title in a competent Court.

23. *Possession to be delivered by force, if necessary.*—(1) If any evacuee property, the charge of which is taken by the Committee or in respect of which an order under sub-section (3) or sub-section (4) of section 22 has been made, is found to be in the wrongful use or occupation of any person, the Collector shall, on application made to him by the Committee or the evacuee, as the case may be, cause the possession of such property to be delivered to the Committee or to the evacuee, as the case may be, and may use or cause to be used such force as may be necessary for the purpose.

(2) Any person in the wrongful use or occupation of such property shall, in addition to being proceeded against under sub-section (1), be liable to pay to the Committee or the evacuee, as the case may be, damages for such wrongful use or occupation.

24. *Restoration of management of property to a certain class of returning evacuees.*—(1) An evacuee who returns to West Bengal after the appointed day but not later than the 31st day of December, 1953, may apply in writing to the Committee for restoration of management of his evacuee property of which the Committee has taken charge.

(2) As soon as may be after such application is received, the Committee shall cause a public notice to be given in the prescribed manner that the management of such property shall be restored to the applicant if no objections to his title are received within a date specified in such notice.

(3) If no objections as aforesaid are received within the date specified in such notice, the Committee shall make an order that the management of the evacuee property be restored to the applicant.

(4) If any objections as aforesaid are received within the date specified in such notice, the Committee shall summarily decide such objections after calling, if necessary, for a report from the Collector of the district in which the property or any part thereof is situated. If the Committee, after proceeding in the manner aforesaid, rejects such objections, the Com-

mittee shall make an order that the management of the evacuee property be restored to the applicant.

(5) An order for restoration of management of an evacuee property under sub-section (3) or sub-section (4) shall be made with as much expedition as possible and in any case within six months from the date of the application under sub-section (1).

(6) (a) Upon an order under sub-section (3) or sub-section (4) being made, the management of the evacuee property shall vest in the evacuee.

(b) Upon the vesting of the management of the evacuee property in him, the evacuee shall have all the rights, powers and liabilities of an owner in respect of the evacuee property, and the Committee shall subject to sub-section (7) be absolved of all further responsibility in respect of such property and sub-sections (2) and (3) of section 18, section 19, section 20 and section 21 shall cease to apply in respect of the evacuee property.

(7) The Committee shall, as soon as may be, give public notice in the prescribed manner of any order made under sub-section (3) or sub-section (4).

(8) Nothing in this section shall affect the right of any person to establish his title in a competent Court.

25. *Delegation of powers, duties and functions.*—(1) The State Government may delegate all or any of its powers, duties and functions under this Act or the rules made thereunder to the Board of Revenue or to the Commissioner of a Division.

(2) The Committee may delegate all or any of its powers, duties and functions under this Act or the rules made thereunder to an Administrative Officer to be performed or exercised within his jurisdiction.

26. *Control of Administrative Officer.*—(1) All Administrative Officers shall be under the supervision and control of the Committee and the Committee may, on its own motion or on application, review, rescind or vary any order of an Administrative Officer.

(2) The Collector or such other officer as may be authorised by the State Government in this behalf shall have power to inspect the work of any Administrative Officer and the staff subordinate to him and examine any records, books of accounts or other documents maintained by the Administrative Officer.

27. *President, members and officers to be public servants.*—The President, other members of the Committee, every Administrative Officer and every other person duly appointed under this Act or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

28. *Sums payable under this Act recoverable as public demand.*—All sums payable to the Collector or the State Government under this Act shall, without prejudice to any other mode of recovery, be recoverable as arrears of public demand.

29. *Bar of jurisdiction.*—Save and except as expressly provided in this Act, no order of the State Government or of the Collector, or of the Committee or of an Administrative Officer, made or purported to be made under this Act or the rules made thereunder, shall be questioned in any Court.

30. *Protection and indemnity.*—(1) No suit or other legal proceeding shall lie against the State Government or any servant of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(2) No suit, prosecution or other legal proceeding shall lie against the Committee or any person for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(3) No suit, prosecution or other legal proceeding shall lie against the State Government or any servant of the State Government for anything which, before the commencement of this Act, was in good faith done or intended to be done for the protection, preservation or management of any property of an evacuee.

31. *Repeal of West Bengal Act XVIII of 1949.*—The West Bengal Evacuee (Administration of Property) Act, 1949 (West Ben. Act XVIII of 1949), is hereby repealed.

32. *This Act to override other law.*—The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law.

33. *Savings and validation.*—(1) Any rule, order, or appointment made, any notification issued, any proceedings commenced, any action taken, or anything done under any provision of the West Bengal Evacuee Property Ordinance, 1951 (West Ben. Ord. II of 1951), shall, on the said Ordinance ceasing to operate, be deemed to have been made, issued, commenced, taken or done under the corresponding provisions of this Act as if this Act had commenced on the 6th day of February, 1951.

(2) Any allotment of an evacuee property made or purported to have been made before the commencement of the West Bengal Evacuee Property Ordinance, 1951, by the Collector which could have been validly made if the said Ordinance had been in force when such allotment was made or purported to have been made, shall if confirmed by the Collector in writing on or before the 31st day of March, 1951, be deemed to have been duly made under the said Ordinance.

34. *Power to make rules.*—(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which the accounts referred to in sub-section (1) of section 9 shall be maintained ;

(b) the officer to whom the writing referred to in sub-section (1) of section 12 shall be delivered ;

(c) the rate of the levy referred to in sub-section (1) of section 16 ;

(d) the manner in which a public notice shall be given under sub-section (2) or sub-section (5) of section 17, sub-section (2) of section 18, sub-section (2) or sub-section (6) of section 22, or sub-section (2) or sub-section (7) of section 24 ;

(e) the form in which accounts referred to in clause (i) of sub-section (3) of section 19 shall be maintained, the intervals at which and the persons by whom such accounts shall be audited under clause (ii) of that sub-section and the scale referred to in that clause ;

(f) the manner in which audited accounts shall be available for inspection under clause (iii) of sub-section (3) of section 19 ;

(g) the manner in which and the intervals at which payments under sub-section (4) of section 19 shall be made ;

(h) any other matter required to be prescribed under this Act.

The Raw Jute (Central Jute Board and Miscellaneous Provisions) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 473L., of the Legislative Department, dated the 21st March 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 21st March 1951.]

West Bengal Act VI of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 21st March, 1951.]

An Act to provide for the setting up of a Central Jute Board in West Bengal and for certain other matters.

WHERES a crisis has arisen in the Jute industry on account of the owners of jute-mills not being able to secure adequate supplies of raw jute at the maximum prices fixed under the West Bengal Jute (Control of Prices) Act, 1950 (West Ben. Act VI of 1950).

AND WHEREAS it is expedient to set up a Central Jute Board in West Bengal for ensuring equitable supply of raw jute to the owners of different jute-mills ;

AND WHEREAS it is also expedient to make certain other miscellaneous provisions for the better regulation of the jute trade and for the protection of cultivators of jute ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Raw Jute (Central Jute Board and Miscellaneous Provisions) Act, 1951.

(2) It extends to the whole of West Bengal.

(3) It shall come into force immediately on the Raw Jute (Central Jute Board and Miscellaneous Provisions) Ordinance, 1950 (West Ben. Ord. XVII of 1950), ceasing to operate.

2. *Definitions.* In this Act, unless there is anything repugnant in the subject or context,

(1) "appointed day" means the date specified by the State Government by notification in the *Official Gazette* as the appointed day for the purpose of this Act ;

(2) "the Board" means the Central Jute Board constituted under section 4 of this Act ;

(3) "cultivator of jute" means any person who, whether by himself or by members of his family or by hired labour or by *adhiars* or *bargadars* or *bhagdars*, grows jute on any land in his possession ;

(4) "jute" means the plant belonging to any species of the *genus Corchorus* and commonly called *pat, kosta, nalia* or *bimalipatam* and includes also the plant *hibiscus cannabinus*, commonly called *mesta* ;

(5) "jute-mill' means a factory defined in, or declared to be a factory under the Factories Act, 1948 (LXIII of 1948), which is engaged wholly or in part in the manufacture of jute products ;

(6) "owner of a jute-mill" means the person who has ultimate control over the affairs of the jute-mill :

Provided that, where the affairs of a jute-mill are entrusted to a managing agent, such agent shall be deemed to be the owner of the jute-mill ;

(7) "prescribed" means prescribed by rules made under this Act ;

(8) "raw jute" means the fibre of jute which has not been subjected to any process of spinning or weaving, whether loose or packed in bales or drums, and whether or not containing any waste product or moisture and includes jute cuttings, jute ropes and *habi jabi* ;

(9) "stockist of raw jute" means an owner of a jute-mill, a baler, a dealer in raw jute or any other person who in the ordinary course of business stocks raw jute ;

(10) "waste product" means strippings, odd filaments or fragments, droppings, sweepings, or other waste product of jute and includes also ropes of raw jute used for fastening raw jute in bales and also articles commonly known in the jute trade as *habi jabi*.

3. *Avoidance of certain contracts*:—(1) Every contract for the sale or supply of raw jute entered into before the appointed day which on such day remains to be performed wholly or in part shall to the extent it so remains to be performed, be void and unenforceable in law.

(2) So much of any brokerage in respect of any contract as aforesaid as relates to such contract to the extent such contract becomes void and unenforceable under sub-section (1), shall not be payable.

(3) Sub-section (2) shall not apply—

(a) where a broker did not guarantee the delivery of any raw jute, and

(b) to contracts for the sale or supply of raw jute, the performance of which were to be completed on or before the appointed day but in respect of which the time for performance has been extended by common consent,

and in every such case brokerage shall be payable in accordance with the terms agreed upon with the broker.

4. *Central Jute Board.*—(1) The State Government shall constitute a Central Jute Board consisting of the following members, namely :—

(a) four persons representing the Indian Jute Mills Association nominated by that Association and approved by the State Government ;

(b) two persons representing the Jute Dealers Associations, nominated by the State Government ;

(c) two persons representing the Jute Balers Associations, nominated by the State Government ;

(d) three persons to be nominated by Government to enable the Government to allow representations of all interests.

(2) The Chairman of the Board shall be nominated by the State Government and shall be a member of the Board. The Chairman shall hold office for such period as may be determined by the State Government

(3) The conditions for the resignation, removal and leave *ex*-India of members of the Board and the procedure of the Board shall be such as may be prescribed.

(4) The Board shall comply with such directions, if any, as may from time to time be issued to it by the State Government.

(5) The Board may, with the approval of the State Government, make by laws for the efficient functioning of the Board.

5. *Contracts for sale or supply of raw jute not to be made except in the manner provided.*—(1) No person shall sell or agree to sell raw jute to the owner of a jute-mill and no owner of a jute-mill shall buy or agree to buy raw jute save and except in pursuance of a contract for the sale or the supply of raw jute entered into in the manner provided in section 6.

(2) Any contract entered into for the sale or the supply of raw jute with the owner of a jute-mill save and except in the manner provided in section 6 shall be void and of no effect.

(3) Any person contravening the provisions of sub section (1) shall be guilty of an offence under this Act and shall be punishable with impri-

sonment which may extend to six months or with fine or with both.

6. *Manner of making contracts.*—(1) Any person who intends to enter into a contract for the sale or the supply of raw jute with the owner of a jute-mill shall apply to the Board specifying the quantity, quality and trade description of such jute and such other particulars in respect thereof, if any, as may be prescribed.

(2) The Board shall after considering the application, select an owner of a jute-mill (who has signified in writing to the Board his intention to buy raw jute) with whom the applicant shall enter into a contract for the sale or the supply of raw jute within a date specified by the Board.

(3) (i) The applicant and the owner of a jute-mill selected under sub-section (2) shall thereupon, within the date specified by the Board, enter into a contract for the sale or supply of raw jute on such terms and conditions (including terms as to arbitration in case of dispute) as may be prescribed :

Provided that the prices for raw jute fixed under such contract, shall not exceed the maximum prices, if any, as may be fixed under the West Bengal Jute (Control of Prices) Act, 1950 (West Ben. Act VI of 1950.)

(ii) An applicant or the owner of a jute-mill selected under sub-section (2), who refuses to comply in any manner with the provisions of clause (i), shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to six months or with fine or with both.

(4) In considering applications and in selecting owners of jute-mills under sub-section (2), the Board shall endeavour to ensure equitable supply of raw jute among owners of different jute-mills, but the selection of the Board shall not be questioned by or in any court of law.

(5) The Board may levy in the prescribed manner, a cess from the applicant who enters into a contract for the sale or the supply of raw jute in accordance with the provisions of clause (i) of sub-section (3), at such rate as may be fixed from time to time by the Board, not exceeding one-eighth *per centum* of the value of the raw jute sold or supplied by the applicant under such contract.

7. *Prohibition of delivery or acceptance of raw jute except in pursuance of contracts made in the manner provided.*—(1) No person shall deliver or cause to be delivered to the owner of a jute-mill and no owner of a jute-mill shall accept or cause to be accepted any raw jute save and except in pursuance of a contract for the sale or the supply of raw jute entered into in the manner provided in section 6.

(2) Any person contravening the provisions of sub-section (1) shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to six months or with fine or with both.

(3) The provisions of section 5, section 6, and this section shall have effect on and from the appointed day.

8. *Power to license stockists of raw jute* —(1) The State Government may, at any time by notification in the *Official Gazette*, require all stockists of raw jute to take out licenses under this Act within a date specified in the notification.

(2) The terms and conditions and the procedure and the manner of taking out licenses shall be such as may be prescribed.

(3) The State Government may, by notification in the *Official Gazette*, require all holders of license to submit returns of stocks of raw jute in such form and at such times as may be specified in the notification.

(4) Any stockist in raw jute who fails to take out license within the

date specified in the notification or fails to submit returns as required under sub-section (3), shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to six months or with fine or with both.

9. *Obtaining information, etc.*—(1) Subject to such rules as may be prescribed, any officer authorised in this behalf by the State Government may, with a view to securing compliance with the provisions of this Act,—

(a) require any person to give any information in his possession with respect to any business carried on by that or any other person ;

(b) enter with such assistants, if any, being persons in service of the State Government, as he thinks fit, any premises and—

(i) make or cause to be made by such assistants such examination of premises and of any accounts, books, documents and stocks of jute therein as he thinks fit ;

(ii) take or cause to be taken by such assistants extracts from copies of any accounts, books or documents referred to in sub-clause (i) ;

(iii) seize or cause to be seized by such assistants any stocks of jute in respect of which he suspects that any offence under this Act has been committed and also any accounts, books or other documents referred to in sub-clause (i) which are in his opinion relevant to prove the commission of such offence and keep such stocks of jute, accounts, books or documents in his custody or in such other custody as may be prescribed, pending investigation or prosecution.

(2) Any person who fails to give any information required to be given under clause (a) of sub-section (1) or who obstructs any person in the exercise of any power conferred by clause (b) of that sub-section shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to six months or with fine or with both

10. *Power to fix minimum prices of raw jute bought from cultivators.*—(1) The State Government may, by notification in the *Official Gazette*, fix minimum prices which may be charged for raw jute bought from cultivators of jute.

(2) Different minimum prices may be fixed under sub-section (1) according to the quality, variety and trade description of raw jute and the area in which such jute is grown.

(3) Any person buying raw jute from a cultivator of jute at any price lower than the minimum price fixed under sub-section (1), after a notification has been issued under that sub-section, shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to six months or with fine or with both.

11. *Offence by corporations, etc.*—Where the person committing any offence under any of the provisions of this Act is a company or an association or a body of persons whether incorporated or not, every director, manager, secretary, or other officer or person concerned in the management thereof shall, unless he proves that the offence took place without his knowledge or that he exercised all due diligence to prevent the commission of such offence, be deemed to be guilty of such offence.

12. *Cognizance of offences.*—No prosecution for any offence under this Act shall be instituted except with the previous sanction of the State Government or of such other officer of the State Government as may be prescribed.

13. *Indemnity.*—(1) No suit or other legal proceeding shall lie against the State Government for anything which is in good faith done, or

intended to be done, under this Act or any rules made thereunder.

(2) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, under this Act or any rules made thereunder.

14. *Power to make rules.*—(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power under sub-section (1), such rules may provide for all or any of the matters required to be prescribed under this Act.

15. *Act to prevail over other law, etc.*—The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything to the contrary in any other law, or in any custom, usage, contract or instrument.

16. *Continuance and savings.*—The Central Jute Board constituted, any rule made, any notification or license issued, any direction given, any contract entered into, any minimum price fixed, anything done or any action whatsoever taken under the Raw Jute (Central Jute Board and Miscellaneous Provisions) Ordinance, 1950 (West Ben. Ord. XVII of 1950), shall, on the said Ordinance ceasing to operate, be deemed to have been constituted, made, issued, given, entered into, fixed, done or taken under this Act as if this Act had commenced on the 14th day of December, 1950.

The West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 478L., of the Legislative Department, dated the 26th March 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 29th March 1951.]

West Bengal Act VII of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 29th March, 1951.]

An Act to amend the West Bengal Land (Requisition and Acquisition) Act, 1948.

WHEREAS it is expedient to amend the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Ben. Act II of 1948), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1951.

2. *Amendment of section 1 of West Bengal Act II of 1948.*—In sub-section (4) of section 1 of the West Bengal (Requisition and Acquisition) Act, 1948 (hereinafter referred to as the said Act), for the words and figures "31st day of March, 1951", the words and figures "31st day of March, 1954" shall be substituted.

3. *Amendment of section 7.*—In sub-section (1) of section 7 of the said Act, after the words and figures "section 23 of the Land Acquisition Act, 1894", the words "so far as they may be applicable" shall be added.

The West Bengal Requisitioned Land (Continuance of Powers) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 479L., of the Legislative Department, dated the 26th March 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 29th March 1951].

West Bengal Act VIII of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary,* of the 29th March, 1951.]

An Act to provide for the continuance of certain emergency powers in relation to requisitioned land.

WHEREAS it is expedient to provide, in relation to land which, when the Defence of India Act, 1939 (XXXV of 1939), expired, was subject to any requisition effected under rules made under that Act, for the Continuance of certain powers theretofore exercisable under the said Act or the said rules and thereafter exercisable under the Requisitioned Land (Continuance of Powers) Ordinance, 1946 (Ord. XIX of 1946), or the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947) ;

It is hereby enacted as follows :—

1. *Short title, extent, commencement and duration.*—(1) This Act may be called the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the first day of April, 1951, and shall cease to have effect on the expiration of a period of three years from that date except as respects things done or omitted to be done before the expiration of such period and section 8 of the Bengal General Clauses Act, 1899 (Ben., Act I of 1899), shall apply upon the expiry of this Act as if it had then been repealed by a West Bengal Act.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(1) "the Act" means the Requisitioned Land (Continuance of Powers) Act, 1947 ;

(2) "the Ordinance" means the Requisitioned Land (Continuance of Powers) Ordinance, 1946 ;

(3) "requisitioned land" means immovable property which, at the commencement of this Act, is subject to any requisition effected under the rules made under the Defence of India Act, 1939 (XXXV of 1939), and continued under the Ordinance and the Act and is held under requisition for any purpose other than the purposes of the Union.

3. *Continuance of requisitions* —Notwithstanding the expiration of the Defence of India Act, 1939, and the rules made thereunder and the repeal of the Ordinance and the expiration of the period of operation of the Act in respect of requisitioned lands, all requisitioned lands shall continue to be subject to requisition until the expiry of this Act and the State Government may use or deal with any requisitioned land in such manner as may appear to it to be expedient :

Provided that the State Government may at any time release from requisition any requisitioned land.

4 *Release from requisition* —(1) Where any requisitioned land is to be released from requisition, the State Government may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person to whom possession of the land shall be given.

(2) The delivery of possession of the requisitioned land to the person specified in an order made under sub-section (1) shall be a full discharge of the State Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of the land which any other person

may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person to whom possession of any requisitioned land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of the land and publish the notice in the *Official Gazette*.

(4) When a notice referred to in sub-section (3) is published in the *Official Gazette*, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof ; and the State Government shall not be liable for any compensation or other claim in respect of the land for any period after the said date.

5. *Power to acquire requisitioned land.*—(1) Subject to the provisions of sub-section (3), the State Government may, at any time when any requisitioned land continues to be subject to requisition under section 3, acquire such land by publishing in the *Official Gazette* a notice to the effect that such Government has decided to acquire such land in pursuance of this section.

(2) When a notice as aforesaid is published in the *Official Gazette*, the requisitioned land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the State Government free from all encumbrances and the period of requisition of such land shall end.

(3) No requisitioned land shall be acquired under this section except in the following circumstances, namely :—

(a) where any works have during the period of requisition been constructed on, in or over the land wholly or partly at the expense of Government and the State Government decides that the value of, or the right to use, such works should be preserved or secured for the purposes of the State Government ; or

(b) where the cost of restoring the land to its condition at the time of its requisition would, in the determination of the State Government, be excessive having regard to the value of the land at that time.

(4) Any decision or determination of the State Government under sub-section (3) shall be final, and shall not be called in question in any Court.

(5) For the purposes of clause (a) of sub-section (3) "works" includes buildings, structures and improvements of every description.

6. *Payment of compensation.*—(1) In respect of the continued subjection of requisitioned land to requisition under this Act or the Act or the Ordinance, compensation shall be determined and paid in accordance with the provisions of section 19 of the Defence of India Act, 1939 (XXXV of 1939), and of the rules made thereunder :

Provided that all agreements and awards under the said section in respect of the payment of compensation for the period of requisition before the first day of April, 1951 shall continue to be in force and shall apply to the payment of compensation for the period of requisition after that date.

(2) In respect of the acquisition under this Act or the Act or the Ordinance of any requisitioned land, the amount of compensation payable shall be such sum as would be sufficient to purchase at the market rate prevailing on the date of the notice under section 5 a piece of land equal in area to, and situated within a distance of three miles from, the acquired land, and suitable for the same use as that to which the acquired land

was being put immediately before the date of its requisition, or a sum equivalent to twice the market value of the acquired land on the date of its requisition, whichever is less ; and such amount shall be determined and paid in accordance with the procedure set out in the aforesaid section 19 and the rules made thereunder.

(3) For the purposes of sub-section (1) all the provisions of the aforesaid section 19 and of the rules made thereunder, and for the purposes of sub-section (2) such of those provisions as relate to matters of procedure, shall be deemed to be continuing in force.

7. *Power to obtain information.*—(1) The State Government may, with a view to carrying out the purposes of sections 3 to 6, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any requisitioned land as may be specified.

(2) Every person required to furnish such information as is referred to in sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Indian Penal Code (XLV of 1860).

8. *Delegation of functions.*—The State Government may, by order notified in the *Official Gazette*, direct that any power conferrd or any duty imposed on it by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the directions be exercised or discharged by such officer as may be so specified.

9. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

10. *Savings.*—On and from the first day of April, 1951, anything done or deemed to have been done in exercise of any power conferred by or under the Act shall be deemed to have been done in exercise of powers conferred by or under this Act, as if this Act had been in force when such thing was done.

The West Bengal Consolidated Fund (Charged Expenditure) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 504L., of the Legislative Department, dated the 31st March 1951, published in the *Calcutta Gazette*, Extraordinary, dated the 31st March 1951.]

West Bengal Act IX of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1951.]

An Act to declare certain expenditure to be expenditure charged upon the Consolidated Fund of the State.

WHEREAS it is expedient to declare the contributions payable under certain enactments, and the grants to be made to certain local authorities by the State Government to be expenditure charged upon the Consolidated Fund of the State ;

It is hereby enacted as follows :

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Consolidated Fund (Charged Expenditure) Act, 1951.

(2) It shall be deemed to have come into force on the first day of April, 1950.

2. *Certain contributions to be charged.*—The contribution payable by the State Government under each enactment specified in the first column of the First Schedule to this Act, or so much of such contribution as is specified in the corresponding entry in the third column of the said Schedule, is hereby declared to be expenditure charged upon the Consolidated Fund of the State.

3. *Certain grants to be made and charged.*—(1) In respect of each enactment specified in the Second Schedule to this Act, the State Government shall, in such manner, and by such date as it may determine, make in each year from the Consolidated Fund of the State, a grant approximately equal, in the opinion of the State Government, to the net sum which, by virtue of the provisions of clause (1) of article 266 of the Constitution of India, is paid in that year to the Consolidated Fund of the State under that enactment.

(2) All grants payable under the provisions of sub-section (1) are hereby declared to be expenditure charged upon the Consolidated Fund of the State.

(3) The State Government may, by notification in the *Official Gazette*, include in, or exclude from, the Second Schedule any appropriate enactment.

(4) The reference in sub-section (1) to the Second Schedule shall be construed as a reference to such Schedule as for the time being amended under sub-section (3).

THE FIRST SCHEDULE

(*See* section 2.)

Short title. 1	Section 2	Contribution payable. 3
Bengal Acts.		
The Howrah Bridge Act, 1926 (Ben. Act IV of 1926)	11	The whole.
The Bengal Motor Vehicles Tax Act, 1932 (Ben. Act I of 1932)	10	The whole.
The Albert Victor Leper Hospital Act, 1935 (Ben. Act IX of 1935)	7	The whole.

THE SECOND SCHEDULE

(*See* section 3.)

Central Acts.

The Howrah Offences Act, 1857 (XXI of 1857).
The Cattle-trespass Act, 1871 (I of 1871).
The Bengal Tenancy Act, 1885 (VIII of 1885).

Bengal Acts.

The Cess Act, 1880 (Ben. Act IX of 1880).
The Bengal Ferries Act, 1885 (Ben. Act I of 1885).
The Bengal Local Self-Government Act, 1885 (Ben. Act III of 1885).
The Calcutta Hackney Carriage Act, 1919 (Ben. Act I of 1919).
The Bengal Village Self-Government Act, 1919 (Ben. Act V of 1919).
The Bengal Food Adulteration Act, 1919 (Ben. Act VI of 1919).
The Calcutta Municipal Act, 1923 (Ben. Act III of 1923).

The Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930).

The Bengal Municipal Act, 1932 (Ben Act XV of 1932).

The West Bengal Appropriation Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 505L., of the Legislative Department, dated the 31st March 1951, published in the *Calcutta Gazette*, Extraordinary, dated the 31st March 1951.]

West Bengal Act X of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1951.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1952.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1952 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Appropriation Act, 1951.

2. *Issue of Rs. 64,69,91,000 out of the Consolidated Fund of West Bengal for the year 1951-52.*—From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees sixty-four crores sixty-nine lakhs and ninety-one thousand towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1952, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1952.

SCHEDULE

* * * *

[For the Schedule, see *Calcutta Gazette* Extraordinary, Part III, dated the 31st March 1951, pages 663 to 666. *Editor.*]

The West Bengal Appropriation (No. 2) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 506L., of the Legislative Department, dated the 31st March 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 31st March 1951].

West Bengal Act XI of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1951.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal to the service of the year ending on the thirty-first day of March, 1951 ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Appropriation (No. 2) Act, 1951.

2. *Issue of Rs. 2,40,36,000 out of the Consolidated Fund of West Bengal for the year 1950-51.*—From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees two crores forty lakhs and thirty-six thousand towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

SCHEDULE

* * * *

[For the Schedule see *Calcutta Gazette*, Extraordinary, Part III, dated the 31st March 1951, page 668. *Editor.*]

The Begal Nurses (West Bengal Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 559L., of the Legislative Department, dated the 6th April 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 9th April 1951.]

West Bengal Act XII of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 9th April, 1951.]

An Act further to amend the Bengal Nurses Act, 1934.

WHEREAS it is expedient further to amend the Bengal Nurses Act, 1934 (Ben. Act X of 1934), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bengal Nurses (West Bengal Amendment) Act, 1951.

2. *Amendment of section 4 of Bengal Act X of 1934.*—After clause (b) of section 4 of the Bengal Nurses Act, 1934 the following clause shall be inserted, namely :—

"(c) the Superintendent of Nursing Services, West Bengal—*Ex-officio.*"

The Cooch Behar (Assimilation of State Laws) Act, 1950.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 2199L., of the Legislative Department, dated the 6th December 1950, published in the *Calcutta Gazette*, Part III, dated the 7th December 1950.]

West Bengal Act LXIII of 1950

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, of the 7th December, 1950.]

An Act to assimilate certain State laws in force in Cooch Behar to the State laws in force in the rest of West Bengal.

WHEREAS it is expedient to assimilate certain State laws in force in Cooch Behar to the State laws in force in the rest of West Bengal ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Cooch Behar (Assimilation of State Laws) Act, 1950.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act,—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act ;

(b) "Cooch Behar" means the merged territory of Cooch Behar in the State of West Bengal ;

(c) "State law" means so much of any Act, Ordinance, Regulation, rule, order or by law as relates to any of the matters enumerated in List II in the Seventh Schedule to the Constitution of India.

3. *Assimilation of State Laws.* (1) All State laws which immediately before the appointed day extend to, or are in force in the State of West Bengal, but do not extend to, or are not in force in, Cooch Behar shall, as from that day, extend to, or as the case may be, come into force in, Cooch Behar.

(2) All State laws which, immediately before the appointed day, are in force in Cooch Behar but not in the rest of West Bengal shall on that day cease to be in force in Cooch Behar, except as respects things done or omitted to be done before that day.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Cooch Behar Acts specified in Schedule I as in force in Cooch Behar immediately before the appointed day shall continue to be in force therein after the said date subject to the adaptations specified in that Schedule, and the State laws specified in Schedule II shall not extend to, or come into force in, Cooch Behar :

Provided that the State Government may, by notification in the *Official Gazette*, appoint a date on which any of the Acts specified in Schedule I shall cease to be in force and any of the Acts specified in Schedule II shall extend to, or come into force in, Cooch Behar.

(4) Nothing in this section shall be deemed to restrict or affect in any way, any shooting or fishing rights guaranteed or assured to His Highness the Maharaja of Cooch Behar under any covenant or agreement made with the Government of the Dominion of India, before the commencement of the Constitution of India.

4. *Provision for removal of difficulties.*—If any difficulty arises in relation to the transition from the laws mentioned in sub-section (2) of section 3 to the laws mentioned in sub-section (1) thereof, the State Government may, by order notified in the *Official Gazette*, make such provision as it considers necessary for the removal of such difficulty.

SCHEDULE I.

[*See* section 3(3).]

(1) The Cooch Behar Village Choukidari Act, 1893 (Cooch Behar Act III of 1893).

Throughout the Act.—For "Fouzdari Ahilkar" *substitute* "District Magistrate".

Preamble.—For "State" *substitute* "district".

Section 1.—In sub-clause (1), *for* "by a Sanud under his hand and seal" *substitute* "by an order published in the *Official Gazette*" ; *for* "State" *substitute* "district".

In sub-clause (2), *for* "His Highness the Maharaja Bhup Bahadur in Council", in the two places where they occur, *substitute* "the State Government"; *for "Cooch Behar Gazette" substitute "Official Gazette"*.

In the first proviso, *for* "Cooch Behar Municipal Act I of 1885" *substitute* "Cooch Behar Town Committee Act of 1903 (Cooch Behar Act IV of 1903) or the Cooch Behar Municipal Act, 1944 (Cooch Behar Act III of 1944)".

Section VI(A).—In sub-clauses (1) and (3) *for* "His Highness the Maharaja Bhup Bahadur in Council" *substitute* "the State Government"; *for "Cooch Behar Gazette"*, in the two places where they occur, *substitute "Official Gazette"*.

In sub-clause (2), *for* "granted a Sanud given under the hand and seal of" *substitute* "given an order in writing by".

Section VI(B).—In clause (h), *for* "His Highness the Maharaja Bhup Bahadur in Council" *substitute* "the State Government"; *for "Cooch Behar Gazette" substitute "Official Gazette"*.

Section X.—*For* "annas 12" *substitute* "Rupees 2" and *for* "one pice or quarter of an anna" *substitute* "two pice or half an anna".

Section XXXIII.—In clause 6th, *for* "State Council" *substitute* "State Government".

In clause 13th, *for* "His Highness the Maharaja Bhup Bahadur in Council" *substitute* "the State Government", and *for "Cooch Behar Gazette" substitute "Official Gazette"*.

Section XLIII.—*For* "Superintendent of the State" *substitute* "Divisional Commissioner".

Section XLIV. *For* "Cooch Behar State" *substitute* "the district of Cooch Behar".

(2) The Cooch Behar Cess Act, 1893 (Cooch Behar Act V of 1893).

Throughout the Act.—*For* "His Highness the Maharaja in Council", "His Highness in Council" and 'His Highness" *substitute* "the State Government" except where otherwise mentioned; *for* "Naib Ahilkar" *substitute* "Deputy Collector"; *for* "Naib Ahilkar of the subdivision" *substitute* "Deputy Collector in charge of the subdivision"; *for* "Revenue Minister" *substitute* "Collector".

Long title and preamble —*For* "State" *substitute* "district".

Section 2.—*Omit* definition of "Naib Ahilkar"; in the definitions of "Lakherajdar" and "Mokoraridar", after "State" *insert* "of Cooch Behar before merger".

Section 6.—*Omit* section 6.

Section 7. *Omit* "if he think fit".

Section 18.—*For* "the State" *substitute* "Government".

Section 25.—*For* "State Council" *substitute* "Divisional Commissioner or the Board of Revenue".

Section 31.—*For* "State" *substitute* "Government".

Section 34.—*For* "His Highness the Maharaja in Council" *substitute* "the Divisional Commissioner and the Board of Revenue"; in the marginal note, *for* "State Council" *substitute* "Divisional Commissioner and Board of Revenue".

Part III, Chapter V.—*For* the heading "Constitution and Administration of the Communication Improvement Fund" *substitute* "Temporary Provisions".

Section 36.—*For* section 36, *substitute* the following :—

"36. *Communication Improvement Cess, etc., provisionally to form part of the Consolidated Fund of the State.*—Until the constitution of a District

Board for Cooch Behar, the amount produced by the Communication Improvement Cess and all sums levied or recovered as fines, penalties or otherwise in respect of the cess under this Act, shall form part of the Consolidated Fund of the State of West Bengal ; and the cost of repair and maintenance of roads, bridges and other means of communication and the cost of construction and maintenance of any other work of public utility shall be paid out of the Consolidated Fund of the State of West Bengal".

Sections 37, 38, 39 and 40.—*Omit* these sections.

(3) The Cooch Behar Revenue Sales Act, 1897 (Cooch Behar Act V of 1897).

Throughout the Act.—*For* "Naib Ahilkar" *substitute* "Deputy Collector" ; *for* "Revenue Minister" *substitute* "Collector of the district" ; *for* "*Cooch Behar Gazette*" *substitute* "*Official Gazette*" ; *for* "Council" *substitute* "Board of Revenue, West Bengal" ; and *for* ' Civil and Sessions Judge" *substitute* "District Judge".

Long title.—*For* "State" *substitute* "district".

Section III.—*For* "State" *substitute* "Government".

Omit the definition of Naib Ahilkar.

Section IV.—*Omit* this section.

Section V.—*For* "as notified under the provisions of the preceding section" *substitute* "fixed under the provisions of the Kist Act, Cooch Behar, 1898 (Cooch Behar Act I of 1898)".

Section VII(A).—*For* "Revenue Officer" *substitute* "Collector" ; *for* "State" *substitute* "Government" ; *for* "Section 7 of the Cooch Behar Public Demands Recovery Act (II of 1899)" *substitute* "the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913)"

Sections IX, XIII, XXI, XXVII, XXXII and XXXIII.—*For* "State" *substitute* "Government".

Section XVI.—*For* "State" *substitute* "district".

Section XXXVII.—*For* the words "Naib Ahilkar may refer to any Sub-Naib Ahilkar subordinate to him" *substitute* "Deputy Collector in charge of a subdivision may refer to any other Deputy Collector or any Sub-Deputy Collector of the same station" ; in clause 3, *omit* "or Sub-Naib Ahilkar".

Schedule A.—*For* "State" *substitute* "district", wherever it occurs.

(4) The Kist Act, Cooch Behar, 1898 (Cooch Behar Act I of 1898).

Throughout the Act.—*For* "State" *substitute* "Government".

(5) The Cooch Behar Town Committee Act of 1903 (Cooch Behar Act IV of 1903).

Throughout the Act.—*For* "*Cooch Behar Gazette*" *substitute* "*Official Gazette*" ; *for* "His Highness the Maharaja in Council", or "His Highness the Maharaja Bhup Bahadur in Council" *substitute* "State Government" ; *for* "His Highness in Council" *substitute* "State Government".

Section V.—In sub-section (13) *for* "His Highness the Maharaja" *substitute* "State Government".

Section VIII.—*For* "to him may seem fit" *substitute* "may be specified in the notification".

Section XI.—*For* "Fouzdari Ahilkar" *substitute* "District Magistrate"; *for* "State Engineer" *substitute* "Executive Engineer"; *for* "Naib Ahilkars" *substitute* "Officers".

Section XIII.—*For* "the State" *substitute* "Government".

Section XV.—*For* "His Highness the Maharaja" *substitute* "State Government" ; *for* "State Funds" *substitute* "Consolidated Fund of the State".

Section XVII.—*For* "His Highness the Maharaja" *substitute* "State Government".

Section XX.—*Omit* "provided that when a member of the State Council is also a member of the Town Committee, he and not the Vice-Chairman, shall preside".

Section XXIX.—*For* "The accounts of the Town Committee shall be subject to audit by the Audit Office of the State in the way that accounts of all other departments of the State are so subject" *substitute* "The Town Committee shall make arrangements, subject to the approval of the State Government, for the examination and audit of accounts of the Committee and may direct the publication of such accounts".

Section XLIIIA.—*For* this section *substitute* the following :—

"XLIIIA. *Powers and duties of Chaukidars appointed under this Act.*— Chaukidars appointed under this Act shall exercise all the powers and perform all the duties and be subject to all the liabilities of police officers as prescribed by any law for the time being in force so far as such powers, duties and liabilities are not inconsistent with or otherwise expressly provided for by this Act".

Sections XLV and XLVI.—*For* "Fouzdari Ahilkar" *substitute* "District Magistrate".

Section XLVII.—*For* "State" *substitute* "Government".

Section L.—*For* "State" *substitute* "Government".

Section LXVIII.—*For* "State" *substitute* "Government".

Section LXLII.—*For* "His Highness the Maharaja" *substitute* "Government".

Section C.—*For* "State" *substitute* "Government".

(6) The Cooch Behar Tenancy Act, 1910 (Cooch Behar Act V of 1910).

Throughout the Act.—*For* "Naib Ahilkar" *substitute* "Deputy Collector"; *for* "State Council" *substitute* "Government"; *for* "State", wherever it occurs in the expression "not paying revenue to the State", *substitute* "Government".

Preamble.—*For* "State" *substitute* "district".

Section 1.—*For* sub-section (2), *substitute*

"(2) It shall apply to the whole of the district of Cooch Behar".

Section 3.—In clause (a) of sub-section (1) *for* "State" *substitute* "Government" ; in sub-section (3) *omit* "in the State" ; in sub-section (5) *for* "State" *substitute* "Government" ; in sub-section (8) *for* "State" *substitute* "Government"; in sub-section (9) *for* "State" *substitute* "Government"; *omit* sub-section (16); in sub-section (20) *for* "State" *substitute* "district" ; in sub-section (23) *for* "State" *substitute* "Government" and *omit* "in the State" ; in sub-section (27) *omit* "as introduced into the State".

Section 4. - *Omit* "as introduced into the State".

Section 5. —In clause (a) *for* "State" *substitute* "Government".

Section 8.—In the explanation, *for* "State" *substitute* "Government".

Section 10.—In the proviso *for* "State" *substitute* "district".

Section 18A.—*For* "State" *substitute* "Government".

Section 34.—*Omit* "of the State".

Section 36.—In sub-section (1) *for* "His Highness in Council" *substitute* "State Government".

Section 39A.—In sub-section (1) *omit* "as introduced into the State".

Section 39B.—*For* "the Cooch Behar Limitation Act, 1921" *substitute* "any other law for the time being in force".

Section 41.—*Omit* "in force in the State".

Section 47. —*For* "Civil Judge", where it occurs for the first time,

substitute "District Judge, Additional Judge or Subordinate Judge"; *for* "His Highness in Council" *substitute* "High Court"; in the proviso *for* "Civil Judge" *substitute* "District Judge".

Section 49.—*For* the words "Revenue Minister" in the second paragraph, *substitute* "Dewan or Revenue Minister of Cooch Behar or by the Chief Commissioner or the Collector".

Section 58.—In the proviso to sub-section (2) *for* "His Highness in Council" *substitute* "State Government".

Section 65.—In sub-section (3) after "appears" *insert* "to the Court" and *for* "Civil Judge" *substitute* "District Judge".

Section 66.—*For* "State" *substitute* "district".

Section 68A.—In sub-section (2) *for* "Civil Judge" *substitute* "District Judge".

Section 73.—In sub-section (4) *for* "State" *substitute* "Government".

Section 79.—*For* "Revenue Minister" *substitute* "Collector".

Section 82.—*Omit* "as introduced into the State" from both the sub-sections (1) and (2).

Section 88.—*For* "State" *substitute* "Government".

Section 89.—*For* "State" *substitute* "Government"

Schedule V.—In Part II, *for* "Civil Judge" *substitute* "District Judge"; *for* "Revenue Minister" *substitute* "Collector".

In Part III, *for* "Cooch Behar Limitation Act, 1921" *substitute* "Indian Limitation Act, 1908".

(7) The Cooch Behar Municipal Act, 1944 (Cooch Behar Act III of 1944).

Throughout the Act.—*For* "State" *substitute* "district", except where otherwise specifically provided; *for* "*Cooch Behar Gazette*" *substitute* "*Official Gazette*"; *for* "Durbar" *substitute* "State Government"; *for* "Fouzdari Ahilkar" *substitute* "District Magistrate".

Section 1.—In sub-section (2) *omit* "after publication in the *Cooch Behar Gazette* with the assent of His Highness the Maharaja Bhup Bahadur".

Section 4.—In sub-clause (b) of clause (10) *for* "His Highness the Maharaja Bhup Bahadur in Council" *substitute* "State Government".

Omit clause (15).

Section 15.—*For* clause (ii) of sub-section (2) *substitute* "(ii) is a citizen of India; and".

Section 25.—In sub-section (1) *omit* "and section 171J of the Cooch Behar Penal Code concerning an election under this Act"; in clause (c) of sub-section (1) *omit* "section 171J of the Cooch Behar Penal Code concerning an election under this Act and"; in sub-section (3) *omit* "and section 171J of the Cooch Behar Penal Code concerning an election under this Act".

Section 26.—In sub-section (1) *for* "Civil Judge of the State" *substitute* "District Judge"; in clause (a) of sub-section (2) *insert* "1908" *after* "Code of Civil Procedure".

Section 33.—In clause (b) of sub-section (1), *for* "His Highness the Maharaja Bhup Bahadur, his heirs and successors" *substitute* "the Union of India".

Section 60.—*For* "State" *substitute* "Government".

Section 63.—In sub-section (3), *for* "Cooch Behar Registration Act, 1921" *substitute* "Indian Registration Act, 1908".

Section 65.—In clause (c) *for* "State funds by His Highness the Maharaja Bhup Bahadur or by the Durbar" *substitute* "Consolidated Fund of the State".

Section 74.—For this section *substitute* the following:—

"74. *Audit of accounts.*—The accounts of the Municipal Funds shall be audited at such times and in such manner as the State Government may prescribe."

Section 122. In the first proviso to sub-section (1) *for* " State " *substitute* " Government ".

Section 190. For clauses (a) and (b) *substitute*—

" (a) prescribing the standard weights and measures to be used within the municipality, namely,

(i) Government standard weights, that is to say, one maund consisting of 40 seers, one seer consisting of 80 tolas and one tola consisting of 180 grains; or

(ii) a standard cubit consisting of 18 inches for the measure of commodities other than land; or

(iii) both the weights and the measure of length mentioned in sub-clauses (i) and (ii) respectively;

(b) providing standards of the weights and measures so prescribed;"

Section 191.—For sub-section (1) *substitute*—

" (1) Where the Commissioners of any Municipality have made by-laws under section 190 prescribing standard weights and measures to be used within the municipality, they may, at a meeting by an order published in the prescribed manner, prohibit the use within the municipality of any maund, seer or tola or any cubit measure other than such as conform with the standard prescribed in the said by-laws."

In sub-section (2) *for* the words " when such standard weights or measures or both are in force " *substitute* " when such order has been published "

Section 193.— For " Cooch Behar Food Adulteration Act, 1941" *substitute* " Bengal Food Adulteration Act, 1919 ".

Sections 221 and 234.—For " Cooch Behar Penal Code " *substitute* " Indian Penal Code ".

Section 227.—In clause (c) of sub-section (1) *for* " His Highness the Maharaja Bhup Bahadur of Cooch Behar " *substitute* " State Government".

SCHEDULE II

[*See* section 3 (*3*).]

(1) The Bengal Land Revenue Sales Act, 1859 (XI of 1859).

(2) The Bengal Land Revenue Sales Act, 1868 (Bengal Act VII of 1868)

(3) The Village Chaukidari Act, 1870 (Bengal Act VI of 1870).

(4) The Bengal Village Chaukidari Act, 1871 (Bengal Act I of 1871).

(5) The Cess Act, 1880 (Bengal Act IX of 1880).

(6) The Bengal Tenancy Act, 1885 (VIII of 1885).

(7) The Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919).

(8) The Bengal Municipal Act, 1932 (Bengal Act XV of 1932).

The West Bengal Dentists (Repealing) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 621L., of the Legislative Department, dated the 16th April 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 19th April 1951]

West Bengal Act XIII of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 19th April, 1951]

An Act to repeal the Bengal Dentists Act, 1939, and to make certain other consequential provisions.

WHEREAS it is expedient to repeal the Bengal Dentists Act, 1939 (Ben. Act XII of 1939) and to make certain other consequential provisions;

It is hereby enacted as follows :—

1. *Short title, extent and commencement* — (1) This Act may be called the West Bengal Dentists (Repealing) Act, 1951

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force on the first day of January, 1951.

2. *Definitions.*- (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) " Board " means the Board established under the Bengal Dentists Act, 1939;

(b) " State Council " means the West Bengal Dental Council constituted under the Dentists Act, 1948 (XVI of 1948).

3. *Repeal of Bengal Act, XII of 1939.* (1) The Bengal Dentists Act, 1939 is hereby repealed.

(2) All properties vested in the Board immediately before the commencement of this Act, shall, on such commencement, vest in the State Council.

(3) The officers (including clerks but excluding the Registrar) and servants of the Board appointed under section 9 of the Bengal Dentists Act, 1939 (Ben. Act XII of 1939) and continuing in office immediately before the commencement of this Act shall, on such commencement, be deemed to be officers and servants of the State Council duly appointed under section 28 of the Dentists Act, 1948 (XVI of 1948) on the same salaries and allowances and other conditions of service on which they had been so continuing in office.

The Goondas (Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 797L., of the Legislative Department, dated the 21st May, 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 22nd May 1951.]

West Bengal Act XIV of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 22nd May, 1951]

An Act to amend the Goondas Act, 1923.

WHEREAS it is expedient to amend the Goondas Act, 1923 (Ben. Act I of 1923) for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Goondas (Amendment) Act, 1951.

2. *Amendment of section 5 of Ben. Act I of 1923.* In sub-section (1) of section 5 of the Goondas Act, 1923 for the words " District and Sessions Judge of Alipur and the other a District and Sessions Judge who has served as such for a period of not less than five years " the following shall be substituted, namely: —

" the District and Sessions Judge, or an Additional District and Sessions Judge, of 24-Parganas and the other shall be -

(a) a District and Sessions Judge; or
(b) an additional District and Sessions Judge; or
(c) a subordinate Judge or a Judge of a Small Cause Court who has served as such for not less than five years and as an Additional Sessions Judge or Assistant Sessions Judge for at least one year. "

The West Bengal Electricity (Emergency Powers) (Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 807L., of the Legislative Department, dated the 23rd May 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 24th May 1951.]

West Bengal Act XV of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 24th May, 1951.]

An Act to amend the West Bengal Electricity (Emergency Powers) Act, 1948.

WHEREAS it is expedient to amend the West Bengal Electricity (Emergency Powers) Act, 1948 (West Ben. Act XVII of 1948), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the West Bengal Electricity (Emergency Powers) (Amendment) Act, 1951.

2. *Amendment of section 1 of West Bengal Act XVII of 1948.*—In sub-section (4) of section 1 of the West Bengal Electricity (Emergency Powers) Act, 1948 for the words "three years" the words "five years" shall be substituted.

Published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated the 5th February 1951.

The West Bengal Secondary Education (Amendment) Ordinance, 1951.

West Bengal Ordinance No. I of 1951.

WHEREAS it is expedient to amend the West Bengal Secondary Education Act, 1950 (West Ben. Act XXXVII of 1950), for the purpose and in the manner hereinafter appearing ;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely : -

1. *Short title and commencement.*—(1) This Ordinance may be called the West Bengal Secondary Education (Amendment) Ordinance, 1951.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Amendment of section 4 of West Bengal Act XXXVII of 1950.*—In clause (20) of section 4 of the West Bengal Secondary Education Act, 1950 for the words "Board of Technical Education" the words "State Council for Engineering and Technical Education" shall be substituted.

The 2nd February, 1951. KAILASH NATH KATJU,
Governor of West Bengal.

Published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated the 28th April 1951.

The Siliguri Municipal Commissioners (Extension of Term) Ordinance, 1951.

West Bengal Ordinance No. III of 1951.

WHEREAS it is expedient to provide for the extension of the term of office of the Commissioners of the Siliguri municipality ;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Siliguri Municipal Commissioners (Extension of Term) Ordinance, 1951.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Extension of the term of office of Commissioners of the Siliguri municipality.*—Notwithstanding anything contained in clause (2) of the proviso to section 16 of the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), and in Notification No L. S.-G 1M-58/49(II), dated the 29th April 1949, the period of appointment of the Commissioners of the Siliguri municipality under the said Notification shall extend up to the 31st day of March, 1952.

The 27th April, 1951. KAILASH NATH KATJU,
Governor of West Bengal.

Published in the *Calcutta Gazette*, Extraordinary, Part III-A, dated the 6th February 1951.

The West Bengal Evacuee Property Ordinance, 1951.

West Bengal Ordinance No. II of 1951.

WHEREAS it is expedient to provide for certain matters relating to evacuee property ;

AND WHEREAS the Legislative Assembly of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance, namely :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the West Bengal Evacuee Property Ordinance, 1951.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "allotment" means the grant by the Collector of a temporary right to use and occupy any property otherwise than by way of lease ;

(b) "appointed day" means the 31st day of March, 1951 ;

(c) "evacuee" means a person ordinarily resident in West Bengal who on account of communal disturbances or the fear of such disturbances

leaves, or has after the 15th day of August, 1947, left, West Bengal, for any place in Pakistan and includes the legal heirs of such person ;

(d) "property" means immoveable property ;

(e) "prescribed" means prescribed by rules made under this Ordinance ;

(f) "the Collector" used in relation to any property means—

(i) where the property is situated within Calcutta as defined in section 3 of the Calcutta Police Act, 1866 (Ben. Act IV of 1866), or within the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866 (Ben. Act II of 1866),—

the Commissioner of Police, Calcutta, or

an officer appointed in this behalf by the State Government to perform all or any of the functions of a Collector under this Ordinance ;

(ii) where the property is situated elsewhere than as aforesaid—

the Collector of the district within which the property is situated, or

an Additional District Magistrate of such district, appointed in this behalf by the State Government to perform all or any of the functions of a Collector under this Ordinance ;

(g) "the Committee" means the Evacuee Property Management Committee for West Bengal constituted under sub-section (1) of section 12 of this Ordinance ;

(h) "urban area" means Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923 (Ben. Act III of 1923), or any place where the Bengal Municipal Act, 1932 (Ben Act XV of 1932), is in force and includes any other area declared by the State Government to be an urban area for the purpose of this Ordinance, by notification in the *Official Gazette*.

3. *Evacuee Property.*—Every property of an evacuee lying in West Bengal, other than property in charge of the Court of Wards, is hereby declared to be evacuee property.

4. *Collector's Orders.*—(1) The Collector or an officer to whom the powers of a Collector are delegated under section 11 of this Ordinance if he is satisfied with respect to any evacuee property that such property is lying unoccupied, uncultivated or uncared for, or has come to be wrongfully used or occupied by any person, may make an order in the prescribed form, styled as Collector's Order, in respect of such property.

(2 While a Collector's Order is in force in respect of any evacuee property of an evacuee, the Collector, subject to any general or special orders of the State Government,—

(a) may take such measure as he considers necessary or expedient for the purposes of managing, protecting and preserving such property and may for such purposes do such acts and incur such expenses as may be necessary or incidental ;

(b) may remove or cause to be removed, by force if necessary, any person who is wrongfully using or occupying such property ;

(c) may, subject to the provisions of section 5, make any allotment of such property or part thereof to any person on such terms and conditions, as he thinks fit ;

(d) shall report to the Committee –

(i) if before the expiry of the appointed day, the evacuee makes to the Collector a declaration of his intention not to return to West Bengal—as soon as may be, after he receives such declaration ;

(ii) if before the expiry of the appointed day, the evacuee does not make a declaration to the Collector of his intention not to return to West

Bengal—as soon as may be, after the appointed day.

5. *Provisions as to allotments.*—(1) No allotment shall be made—

(a) where the evacuee property consists of residential or business premises situated within an urban area or of any land in such area, on which no structure has been built—for a period extending beyond the 7th day of February, 1951 ;

(b) where the evacuee property consists of land or homestead used for or in connection with agricultural purposes—for a period extending beyond the 7th day of February, 1951.

(c) where the evacuee property has been continuously lying unoccupied up till the date on which this Ordinance comes into force.

(2) An allotment and the terms and conditions thereof shall be binding on the evacuee in respect of whose evacuee property the allotment has been made, and his successors in interest, and also on the Committee but only for the period for which the allotment is made

(3) Nothing in this Ordinance shall be deemed to confer on any person to whom any allotment is made, any transferable right or the status of a tenant or of a lessee.

(4) No person to whom the allotment of any evacuee property is made, shall remain on such property after the expiry of the period of allotment and any person so remaining, shall, if a Collector's Order in respect of such property is in force, be deemed to be wrongfully using or occupying such property within the meaning of clause (b) of sub-section (2) of section 4.

6. *Cancellation of Collector's Order and delivery of possession.*—(1) An evacuee who returns to West Bengal before the expiry of the appointed day may apply in writing to the Collector before the expiry of that day—

(a) where a Collector's Order has been made in respect of any of his evacuee property and such property is not in the wrongful use or occupation of any person - for the cancellation of such order ;

(b) where a Collector's Order has been made in respect of any of his evacuee property and such property is in the wrongful use or occupation of any person—for the cancellation of such order and for the delivery of possession of such property ; and

(c) where any of his evacuee property is in the wrongful use or occupation of any person for the delivery of possession of such property.

(2) Upon an application aforesaid being made the Collector shall—

(a) in cases coming under sub-clause (a) or (b) of sub-section (1) cancel the Collector's Order ;

(b) in cases coming under clause (b) or (c) of sub-section (1), cause the possession of such property to be delivered to the evacuee and may use or cause to be used force for such purposes, if necessary

(3) Where the Collector is of opinion that the cancellation of the Collector's Order or the delivery of the possession would not be feasible under sub-section (2), he shall report the case to the State Government and the State Government shall thereupon refer the case to the Minority Commission constituted under Notification No. 2276CR(CR-481/50, dated the 6th May, 1950, for advice. The State Government shall after considering such advice pass such order as it thinks fit, so however, that if the State Government is of opinion that exceptional circumstances exist on account of which it would not be feasible to cancel the Collector's Order or to cause the possession of the evacuee property to be delivered, it shall take such steps for adequately rehabilitating the evacuee as it deems necessary.

(4) The cancellation of the Collector's Order under clause (a) of sub-section (2) shall have effect subject to the provisions of sub-section (2) of section 5.

7. *Exceptions, etc.*—(1) Nothing in section 6 shall apply to any evacuee property of an evacuee, situated within an urban area, if the evacuee left West Bengal for a place in Pakistan, prior to the 1st day of January, 1950.

(2) The provisions of section 6 shall apply to an evacuee property of an evacuee situated within an urban area held by the evacuee as a tenant-at-will or a *thika* tenant or a monthly tenant, if, and only if on the date of the application under sub section (1) of section 6, such property is not in the possession of a person other than the evacuee, holding under a lease granted by or with the authority of the immediate landlord of the evacuee.

8. *Exemption of evacuee property from attachment, etc.*—(1) No evacuee property shall be liable to attachment, distraint or sale in execution of a decree or order of a Court, or any other authority, while a Collector's Order is in force in respect of such property.

(2) In computing the period of limitation applicable to any suit, appeal or application in respect of any evacuee property the time during which a Collector's Order remains in force in respect of such property shall be excluded.

9. *Expenses incurred by the Collector* — (1) Any expenses incurred by the Collector in the exercise or discharge of any powers, duties or functions under this Ordinance or the rules made thereunder, in respect of any evacuee property shall be the first charge on the receipts derived from such property, and any such expenses may be recouped by the Collector out of such receipts.

(2) Subject to the provisions of sub-section (1) any land revenue, rent or cess payable in respect of such property shall have priority over other charges on the receipts derived from such property.

10. *Maintenance of accounts and payments to the evacuee or his successor.*—(1) The Collector shall, in the prescribed manner, maintain an account of the receipts derived from and the payments made in respect of every evacuee property, while a Collector's Order is in force in respect of such property.

(2) Upon the cancellation of a Collector's Order under section 6 or upon a Collector's Order standing cancelled under sub-section (4) of section 18, the Collector shall pay to the evacuee in respect of whose evacuee property the Collector's Order was made or his successors in interest, as the case may be, the balance which remains after deducting the payments made in respect of such property from the receipts derived from such property.

11. *Delegation of powers by the Collector.*- The Collector may, by general or special order, delegate all or any of his powers, duties or functions under this Ordinance or the rules made thereunder to such officer of the State Government as he thinks fit.

12. *Constitution of the Committee.*—(1) The State Government shall, by notification in the *Official Gazette*, constitute an Evacuee Property Management Committee for West Bengal.

(2) The Committee shall consist of a President and three other members.

(3) The President shall be an officer of the State Government appointed in this behalf by the State Government from time to time, and the other members shall be appointed by the State Government from among

the members of the Minority Community.

(4) The Committee shall be a body corporate by the name of the Evacuee Property Management Committee of West Bengal and shall have perpetual succession and a common seal and shall by the said name sue and be sued.

13. *Resignation and removal of members and filling up of vacancies.*— (1) A member of the Committee, other than the President, may, by writing under his hand, deliver to the prescribed officer of the State Government, resign his office after giving one month's notice of his intention to resign.

(2) The State Government may at any time remove any member of the Committee on any of the following grounds, namely :—

(a) that he has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude ;

(b) that he has applied to be adjudged or has been adjudged an insolvent ;

(c) that he, in the opinion of the State Government, is incompetent or incapable of or unfit to perform the duties of his office on account of physical or mental infirmity ;

(d) that he, in the opinion of the State Government, has been mismanaging the properties of which the Committee has taken charge.

(3) In the event of vacancy occurring in the office of any member of the Committee, other than the President, by death, resignation, removal or otherwise, the State Government shall fill up the vacancy in the manner provided in sub-section (3) of section 12.

14. *Conduct of business of the Committee.*— The Committee may, with the approval of the State Government, make regulations for conducting its business and may act notwithstanding any vacancy in the office of any member other than that of the President :

Provided that the quorum for a meeting of the Committee shall be two members, one of whom shall be the President.

15. *Officers of the Committee.*—(1) In the exercise or discharge of its powers, duties and functions, the Committee may be assisted by such number of officers (hereinafter referred to as Administrative Officers) as may be appointed by the Committee with the approval of the State Government and by such other staff as may be appointed by the Committee.

(2) An Administrative Officer shall, on appointment, furnish such security as may be fixed by the State Government.

16. *Allowances of President and members and remuneration of officers.*— (1) The members of the Committee shall not be entitled to any salary but may receive such allowances as may be fixed by the State Government

(2) The remuneration of the Administrative Officers and of other staff shall be such as may be fixed by the State Government.

17. *Expenses incurred by the Committee* —(1) The salary and allowances of the President, the allowances of other members of the Committee, the remuneration of the Administrative Officers and other staff and such other expenses as may be incurred by the Committee in the exercise or discharge of any of its powers, duties and functions under this Ordinance or the rules made thereunder in respect of any evacuee property, shall be defrayed out of levy at such rate, as may be prescribed, on the receipts derived from such property and shall, subject to the provisions of sub-section (1) of section 9, be a first charge on such receipts.

(2) The State Government may from time to time make such advanc-

es to the Committee as may be necessary to enable it to function. All such advances shall be recoverable with interest at three *per centum per annum* from the receipts derived from the properties which may vest in the Committee and shall subject to sub-section (1) be a charge on every and all such properties and shall have priority over all other charges on every and all such properties.

18. *Management by the Committee.*—(1) The Committee may take charge of any evacuee property of an evacuee in the following cases :—

(a) where a report is received from the Collector under clause (d) of sub-section (2) of section 4, or

(b) where before the appointed day the evacuee makes a declaration before the prescribed authority of his intention not to return to West Bengal, or

(c) where after the appointed day the evacuee has not returned to West Bengal, whether there is or is not a declaration by the evacuee of his intention not to return or whether there is or is not an application to the Committee to take charge of his property.

(2) Before taking charge of an evacuee property, the Committee shall cause a public notice to be given in the prescribed manner calling for objections to the taking of charge of such property by the Committee to be filed before the Committee within a date specified in such notice.

(3) Where objections are filed under sub-section (2), the Committee shall summarily decide the objections after calling, if necessary, for a report from the Collector of the district in which the property or any part thereof is situated.

(4) If there are no such objections as aforesaid or if the Committee, after proceeding in the manner aforesaid, rejects all such objections, the Committee shall pass an order directing that the charge of the property be taken by the Committee and thereupon such property shall, subject to the provisions of sub-section (2) of section 5, vest in the Committee and any Collector's Order made in respect of such property shall stand cancelled.

(5) Where any evacuee property vests in the Committee under sub-section (4), the Committee shall, as soon as may be, give public notice of the fact in the prescribed manner

(6) Notwithstanding anything contained in the foregoing provisions of this section, the Committee shall not take charge of any evacuee property if the evacuee being the sole owner or the entire body of co-sharer owners of such property, objects to the charge thereof being taken by the Committee and furnishes evidence to the satisfaction of the Committee that adequate arrangements have been made for the management and proper utilization thereof.

(7) Nothing in this section shall affect the right of any person to establish his title in a competent Court

19. *Power of evacuee to dispose of property.*—(1) An evacuee, whose property has vested in the Committee, may nevertheless at any time dispose of such property by sale, exchange, gift, mortgage (not being an usufructuary mortgage) or otherwise but not by way of lease.

(2) Upon such disposition as aforesaid, the evacuee shall intimate the Committee thereof and the Committee shall, as soon as may be, cause a public notice to be given in the prescribed manner.

(3) A disposition as aforesaid shall, subject to the provisions of sub-section (2) of section 5 and sub-section (3) of section 22, take effect on and from the date of the publication of the notice referred to in sub-section (2) and on and from that date the evacuee property shall cease to vest in the

Committee and the Committee shall be absolved from all further responsibility in respect thereof.

20. *Power, rights and liabilities of the Committee.*—(1) Subject to the provisions of this Ordinance, the Committee shall have all the rights, powers and liabilities of an owner in respect of any evacuee property of an evacuee vested in it.

(2) The Committee shall take such measures as may be necessary for the good management and protection of any evacuee property of an evacuee vested in it, for the assertion of title thereto and for obtaining possession thereof and may for such purposes do all acts and incur all expenses which are necessary or incidental.

(3) (i) The Committee shall maintain, in the prescribed form, accounts of all evacuee property vested in it, a separate account being maintained in respect of each evacuee or where the property of a body of co-sharer evacuees are managed jointly, in respect of each such body of co-sharer evacuees.

(ii) The State Government shall cause such accounts to be audited at such intervals and by such person as may be prescribed. The cost of such audit shall be paid by the Committee according to the prescribed scale.

(iii) A copy of the audited accounts as aforesaid of the evacuee property shall be supplied to the evacuee or the body of co sharer evacuees by the Committee on application and the audited accounts shall also be available in the prescribed manner for inspection by the evacuee or any co-sharer evacuee or any agent of the evacuee or a co sharer evacuee authorised in writing.

(4) The Committee shall pay to an evacuee in such manner and at such intervals as may be prescribed, the receipts derived from his property vested in the Committee, after deducting therefrom all sums debitable to such receipts.

21. *Certain payments not to be valid discharge.*—No payment made, after publication of a notice under sub-section (5) of section 18, on account of any amount due to the evacuee in respect of his property vested in the Committee save and except to the Committee or some person appointed by the Committee, shall constitute a valid discharge of any liability in respect thereof.

22. *Restrictions on transfer by Committee.*—(1) Save and except as provided in sub-section (2), the Committee shall not be entitled to transfer any evacuee property vested in it, except with the written consent of the evacuee.

(2) The Committee may lease or let out any evacuee property vested in it or part thereof for a period, not exceeding three months in the case of evacuee property situated in an urban area and not exceeding twelve months in the case of other evacuee property, at any one time :

Provided that in leasing or letting out the evacuee property, the Committee shall on each occasion give the first preference to the person to whom any allotment of such property or a part thereof was made, except where the Collector reports to the Committee that such person committed a breach of the terms and conditions of such allotment, or where such property consists of land used for or in connection with agricultural purposes, neglected to cultivate such property properly.

(3) A lease or letting out as aforesaid shall be binding on the evacuee and his successors in interest but only for the period for which the evacuee property is leased or let out.

(4) Notwithstanding anything contained in any other law for the time being in force, nothing in this section shall confer a right of occupancy on any person to whom any evacuee property is leased or let out by the Committee.

(5) If the person to whom any evacuee property is leased or let under sub-section (2) holds over after the expiry of the period of lease or letting out, such person shall be liable to be evicted without notice.

23. *Restoration of property to evacuee* —(1) An evacuee may at any time after he returns to West Bengal but not later than the appointed day apply in writing to the Committee for the restoration of any of his evacuee property of which the Committee has taken charge.

(2) As soon as may be after such application is received, the Committee shall cause a public notice to be given in the prescribed manner that such property shall be restored to the applicant if no objections to his title are received within a date specified in such notice.

(3) If no objections as aforesaid are received within the date specified in such notice, the Committee shall make an order that the evacuee property be restored to the applicant.

(4) If any objections as aforesaid are received within the date specified in such notice, the Committee shall summarily decide such objections after calling, if necessary, for a report from the Collector of the district in which the property or any part thereof is situated. If the Committee, after proceeding in the manner aforesaid, rejects such objections, the Committee shall make an order that the evacuee property be restored to the applicant.

(5) Upon an order under sub-section (3) or sub-section (4) being made, the evacuee property shall cease to vest in the Committee and shall, subject to sub-section (3) of section 22, vest in the applicant and the Committee shall, subject to sub-section (7), be absolved of all further responsibility in respect of the evacuee property.

(6) The Committee shall, as soon as may be, give public notice in the prescribed manner of any order made under sub-section (3) or sub-section (4).

(7) Nothing in this section shall affect the right of any person to establish his title in a competent Court.

24. *Restoration of management of property to a certain class of returning evacuees.*—(1) An evacuee who returns to West Bengal after the appointed day but not later than the 31st day of December, 1953, may apply in writing to the Committee for restoration of management of his evacuee property of which the Committee has taken charge.

(2) As soon as may be after such application is received, the Committee shall cause a public notice to be given in the prescribed manner that the management of such property shall be restored to the applicant if no objections to his title are received within a date specified in such notice.

(3) If no objections as aforesaid are received within the date specified in such notice, the Committee shall make an order that the management of the evacuee property be restored to the applicant.

(4) If any objections as aforesaid are received within the date specified in such notice, the Committee shall summarily decide such objections after calling, if necessary, for a report from the Collector of the district in which the property or any part thereof is situated. If the Committee, after proceeding in the manner aforesaid, rejects such objections, the Committee shall make an order that the management of the evacuee property be res-

tored to the applicant.

(5) An order for restoration of management of an evacuee property under sub-section (3) or sub-section (4) shall be made with as much expedition as possible and in any case within six months from the date of the application under sub-section (1).

(6) Upon an order under sub-section (3) or sub-section (4) being made, the evacuee property shall cease to vest in the Committee and shall, subject to sub-section (3) of section 22, vest in the applicant and the Committee shall, subject to sub-section (7), be absolved of all further responsibility in respect of the evacuee property.

(7) The Committee shall, as soon as may be, give public notice in the prescribed manner of any order made under sub-section (3) or sub section (4).

(8) Nothing in this section shall affect the right of any person to establish his title in a competent Court.

25. *Possession to be delivered by force if necessary* —(1) If any evacuee property, the charge of which is taken by the Committee or in respect of which an order under sub-section (3) or sub-section (4) of section 23 has been made, is found to be in the wrongful use or occupation of any person, the Collector shall, on application made to him by the Committee, cause the possession of such property to be delivered to the Committee or to the evacuee, as the case may be, and may use or cause to be used such force, as may be necessary for the purpose.

(2) Any person in the wrongful use or occupation of such property shall, in addition to being proceeded against under sub-section (1), be liable to pay to the Committee damages for such wrongful use or occupation.

26. *Delegation of powers, duties and functions.*—(1) The State Government may delegate all or any of its powers, duties and functions under this Ordinance or the rules made thereunder to the Board of Revenue or to the Commissioner of a Division.

(2) The Committee may delegate all or any of its powers, duties and functions under this Ordinance or the rules made thereunder to an Administrative Officer to be performed or exercised within his jurisdiction.

27. *Control of Administrative Officer.*—(1) All Administrative Officers shall be under the supervision and control of the Committee and the Committee may, on its own motion or on application, review, rescind or vary any order of an Administrative Officer

(2) The Collector or such other officer as may be authorised by the State Government in this behalf shall have power to inspect the work of any Administrative Officer and the staff subordinate to him and examine any records, books of accounts or other documents maintained by the Administrative Officer.

28. *President, members and officers to be public servants.*—The President, other members of the Committee, every Administrative Officer and every other person duly appointed under this Ordinance or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

29. *Sums payable under this Ordinance recoverable as public demand.*—All sums payable to the Collector or the State Government under this Ordinance shall without prejudice to any other mode of recovery, be recoverable as arrears of public demand.

30. *Bar of jurisdiction.*—Save and except as provided in the Constitution of India or as expressly provided in this Ordinance, no order of

the State Government or of the Collector, or of the Committee or of an Administrative Officer, made or purported to be made under this Ordinance or the rules made thereunder, shall be questioned in any Court.

31. *Protection and indemnity* —(1) No suit or other legal proceeding shall lie against the State Government or any servant of the State Government for anything which is in good faith done or intended to be done in pursuance of this Ordinance or the rules made thereunder

(2) No suit, prosecution or other legal proceeding shall lie against the Committee or any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or the rules made thereunder.

(3) No suit, prosecution or other legal proceeding shall lie against the State Government or any servant of the State Government for anything which, before the commencement of this Ordinance, was in good faith done or intended to be done for the protection, preservation or management of any property of an evacuee.

32. *Repeal of West Bengal Act XVIII of 1949.*—The West Bengal Evacuee (Administration of Property) Act, 1949 (West Ben. Act XVIII of 1949), is hereby repealed.

33. *Ordinance to override other law.* - The provisions of this Ordinance shall have effect notwithstanding anything to the contrary in any other law.

34. *Power to make rules.* —(1) The State Government may make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :—

(a) the form of an order by the Collector under sub-section (1) of section (4) ;

(b) the manner in which the accounts referred to in sub-section (1) of section 10 shall be maintained ;

(c) the officer to whom the writing referred to in sub-section (1) of section 13 shall be delivered ;

(d) the rate of the levy referred to in sub-section (1) of section 17 ;

(e) the manner in which a public notice shall be given under sub-section (2) or sub-section (5) of section 18, sub-section (2) of section 19, sub-section (2) or sub-section (6) of section 23, or sub-section (2) or sub-section (7) of section 24 ;

(f) the form in which accounts referred to in clause (i) of sub-section (3) of section 20 shall be maintained, the intervals at which and the persons by whom such accounts shall be audited under clause (ii) of that sub-section and the scale referred to in that clause ;

(g) the manner in which audited accounts shall be available for inspection under clause (iii) of sub-section (3) of section 20 ;

(h) the manner in which and the intervals at which payments under sub-section (4) of section 20 shall be made ;

(i) any other matter required to be prescribed under this Ordinance.

KAILAS NATH KATJU,
Governor of West Bengal.

The 6th February, 1951.

The Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 864L., of the Legislative Department, dated the 8th June 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 9th June 1951].

West Bengal Act XVI of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 9th June, 1951.]

An Act to provide for the rehabilitation of displaced persons and eviction of persons in unauthorised occupation of land and for certain other matters connected therewith.

WHEREAS it is expedient to provide for the rehabilitation of displaced persons and eviction of persons in unauthorised occupation of land and for certain other matters connected therewith ;

It is hereby enacted as follows :—

1. *Short title, extent, commencement and duration*.—(1) This Act may be called the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and shall remain in force for a period of three years from such date.

2. *Definitions*.—In this Act, unless there is anything repugnant in the subject or context,—

(1) "displaced person" means any person who in the opinion of Competent Authority—

(a) was ordinarily resident in East Bengal but on account of communal disturbances occurring after the 1st day of October, 1946, left East Bengal and arrived in West Bengal on or before the 31st day of December, 1950 ; and

(b) has no land in West Bengal of which he is the owner ; and

(c) has affirmed in an affidavit filed in the office of the Competent Authority that he does not intend to return to East Bengal ;

Explanation.—In this clause "East Bengal" means the territories now comprised in the Province of East Bengal forming part of the Dominion of Pakistan.

(2) "Competent Auhority" means a judicial officer not below the rank of a District Judge appointed by the State Government in consultation with the High Court by notification in the *Official Gazette*, to perform the functions of a Competent Authority under this Act for such area as may be specified in the notification :

(3) "land" means immovable property ;

(4) "owner" in relation to any land means a person (other than a tenant-at-will or a monthly tenant) who is entitled to the use or occupation of such land or to receive rent in respect of or derive other pecuniary benefits from such land and includes Government and any local authority ;

Explanation.—A person in unauthorised occupation of any land shall not be deemed to be an owner in relation to such land.

(5) "prescribed" means prescribed by rules made under this Act ;

(6) "unauthorised occupation" used in relation to any land means

the use or occupation of any land or part thereof without being authorised in writing by the owner.

3. *Eviction of persons in unauthorised occupation.*—(1) An owner of any land may make an application in the prescribed manner to the Competent Authority for the eviction of persons in unauthorised occupation of the land :

Provided that no such application shall be entertained by the Competent Authority if the unauthorised occupation commenced before the 1st day of October, 1946.

(2) On receipt of such application the Competent Authority shall make such enquiry as it thinks fit, and shall, by notice served in the prescribed manner on every person who appears to it upon such enquiry to be in unauthorised occupation of the land, require him to show cause within thirty days of the service of the notice why he should not vacate the land and pay to the owner compensation for unauthorised occupation.

(3) The Competent Authority may, if no cause is shown or if any cause or causes is or are shown, then after considering such cause or causes, by order direct every person in respect of whom it is satisfied that he is in unauthorised occupation of the land to vacate the land within such time, not being less than thirty days from the date of the order as it may fix and to pay to the owner such compensation on account of the unauthorised occupation as it may deem fit to assess keeping in view the letting value of the land as well as the actual pecuniary loss, if any, sustained by the owner :

Provided that if in the case of an application which the Competent Authority can entertain it is of opinion after enquiry made under sub-section (2) that the case should be tried by a civil court, it shall not proceed further with the application and shall refer the parties to a civil court.

(4) If any person against whom an order under sub-section (3) has been made directing him to vacate the land, refuses or fails to vacate the land within the time fixed by the Competent Authority, the order may be executed in the manner prescribed.

(5) The Competent Authority may, on an application supported by an affidavit made by any displaced person for refund of money obtained from such person by any person without lawful authority for allotment of land for unauthorised occupation, order refund of such sum as it may think just,

provided that no order shall be made without giving the person against whom such claim is made an opportunity of being heard and in case the allegations are found false and frivolous may take such steps against such person as may seem fit and proper.

4. *Protection of displaced persons.*—(1) Notwithstanding anything contained in section 3, no order under sub-section (3) of that section shall be executed if the person in respect of whom the order has been made is a displaced person who on the 31st day of December, 1950, was in unauthorised occupation of any land until the State Government provides for him in the prescribed manner –

(a) other land which in the opinion of the Competent Authority is situated in an area from where the displaced person would be able to carry on conveniently such occupation as he may have been engaged in for earning his livelihood at the time when the Competent Authority makes the order,

(b) and also a house on such other land, suitable for him in the

opinion of the Competent Authority, if immediately before the Competent Authority makes the order he had a house on the land,
and pending the providing of such other land, and house (if any), the displaced person shall be permitted to use and occupy the land and house (if any) of which he was in unauthorised occupation on payment of such consideration periodically or otherwise to the owner as the Competent Authority may by order deem fit to assess.

(2) The State Government, on the application of the owner of any land or of its own motion, may, if it thinks fit so to do, acquire any land or any part thereof for a public purpose. Such acquisition shall be made under the provisions of the Land Acquisition Act, 1894 (I of 1894) :

Provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof if the owner is entirely dependent for shelter or livelihood on such land.

Explanation. – In construing this Act and the Land Acquisition Act, 1894 the expression 'public purpose" shall be deemed to include the rehabilitation of displaced persons.

5. *Owner may apply for admitting as a tenant or lessee any person in unauthorised occupation.*—The owner of any land if he desires to admit as a tenant or a lessee any person who is in unauthorised occupation of the land may apply to the Competent Authority to fix the premium and the rent payable therefor and the Competent Authority shall thereupon by order fix such premium and rent ; and upon such premium and rent being fixed the person who is in unauthorised occupation of the land shall be admitted as a tenant or lessee on condition that he duly pays the premium and the rent so fixed.

6. *Appeals.*—(1) Any person aggrieved by an order of the Competent Authority under section 3 or under section 4 or under section 5 may within thirty days from the date of the order appeal to a Tribunal appointed by the State Government consisting of three persons including a Chairman who shall be a person who is or has been or is eligible to be a Judge of a High Court.

(2) The Tribunal may set aside, confirm or modify the order of the Competent Authority.

(3) The procedure of such appeals (including the procedure for the stay of execution of any order of the Competent Authority) shall be such as may be prescribed.

7. *Use or occupation of land under section 4 not to create any interest* — The use or occupation of any land under section 4 shall not create in the person so using or occupying the land any interest in the land.

8. *Competent Authority or Tribunal to have prescribed powers.*—For the purpose of this Act the Competent Authority or the Tribunal may exercise such powers as may be prescribed.

9. *Recovery of sums payable under order of Competent Authority or Tribunal.*—Any sum payable under an order of the Competent Authority or of the Tribunal as consideration, compensation, premium or rent shall be recoverable—

(a) where it is payable to the State Government—as a sum recoverable under a decree of a civil court, or as a public demand, or

(b) where it is payable to an owner other than the State Government—as a sum recoverable under a decree of a civil court.

10. *Bar of jurisdiction.*—An order passed by the Tribunal on appeal

under section 6; and save as provided in section 6, an order made by the Competent Authority under section 3 or section 4 or section 5 shall be final and shall not be called in question in any court or tribunal or by any authority.

11. *Indemnity.* - (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

12. *Power to make rules.*—(1) The State Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any matters required to be prescribed.

13 *Act not to apply to evacuee property.*—Nothing in this Act shall apply to any land which is evacuee property under section 3 of the West Bengal Evacuee Property Act, 1951 (West Ben. Act V of 1951).

The Bengal Motor Vehicles Tax (West Bengal Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 865L., of the Legislative Department, dated the 8th June 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 9th June 1951.]

West Bengal Act XVII of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette*, *Extraordinary*, of the 9th June, 1951.]

An Act further to amend the Bengal Motor Vehicles Tax Act, 1932.

WHEREAS it is expedient further to amend the Bengal Motor Vehicles Tax Act, 1932 (Ben. Act I of 1932), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Bengal Motor Vehicles Tax (West Bengal Amendment) Act, 1951.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Notes

Date of enforcement.—Notification No. 6283W. T., dated 29th June 1951.—"In pursuance of the provisions of sub-section (2) of section 1 of the Bengal Motor Vehicles Tax (West Bengal Amendment) Act, 1951 (West Bengal Act, XVII of 1951), the Governor is pleased hereby to appoint the 1st day of July 1951 as the date on which the said Act shall come into force." [Vide *Calcutta Gazette*, Extraordinary, dated the 30th June 1951.]

2. *Amendment of section 4 of Bengal Act I of 1932.*—For sub-section (1) of section 4 of the Bengal Motor Vehicles Tax Act, 1932 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely :—

"(1) A tax at the rate specified in the Schedule shall be imposed on all motor vehicles kept for use in West Bengal."

3. *Substitution of new Schedule for the First Schedule.*—For the First Schedule to the said Act, the following Schedule shall be substituted, namely :—

"THE SCHEDULE.

(*See* section 4.)

Description of motor vehicles and rate of tax.

A.—Vehicles for carrying passengers not playing for hire.

	Rate of tax payable for the year.
(1) Motor cycles ...	Rs. 18.
(2) Motor cycle combinations ...	Rs. 24.
(3) Motor cars ...	Rs. 12 for every 500 lbs. unladen weight or part thereof up to Rs. 2,500 lbs. *plus* Rs. 20 for every additional 500 lbs. unladen weight or part thereof, above 2,500 lbs.

B.—Vehicles for carrying passengers plying for hire.

	Rate of tax payable for the year.
(1) Buses (Stage carriages) seating, exclusive of the driver and the conductor,—	
(a) not less than 8 persons and not more than 26 persons.	...Rs. 400 for 8 persons *plus* Rs. 40 for every additional person beyond 8 and up to 26
(b) not less than 27 persons and not more than 32 persons.	...Rs. 1,150 for 27 persons *plus* Rs. 30 for every additional person beyond 27 and up to 32.
(c) 33 persons or more	.. Rs. 1,320 for 33 persons *plus* Rs. 20 for every additional person beyond 33 :

Provided that if a bus is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) or clause (c) above, as the case may be, for such bus.

	Rate of tax payable for the year.	
(2) Vehicles other than buses, seating, exclusive of the driver and the conductor,—		
(a) not more than 4 persons—		
(i) 3-wheelers	.. Rs. 150	if unladen weight is not above 2,500 lbs.
4-wheelers	...Rs. 200	
(ii)	.. Rs. 225	if unladen weight is above 2,500 lbs.
(b) more than 4 persons	.. Rs. 250	for 5 persons *plus* Rs. 50 for every additional person beyond 5 :

Provided that if a vehicle for carrying passengers plying for hire, which is not a bus, is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) above, as the case may be, for such vehicle.

C.—Vehicles for transport of goods.

	Rate of tax payable for the year.
(a) Up to 1,000 lbs. registered laden weight.	...Rs. 100.
(b) Exceeding 1,000 lbs. but not exceeding 4,000 lbs. registered laden weight.	...Rs. 100 *plus* Rs. 10 for every additional 500 lbs. or part thereof, above 1,000 lbs.

(c) Exceeding 4,000 lbs. but not exceeding 8,000 lbs. registered laden weight. ...Rs. 160 *plus* Rs. 12-8 for every additional 500 lbs. or part thereof, above 4,000 lbs.

(d) Exceeding 8,000 lbs. but not exceeding 18,000 lbs. registered laden weight. ...Rs. 260 *plus* Rs. 15 for every additional 500 lbs. or part thereof, above 8,000 lbs.

(e) Exceeding 18,000 lbs. registered laden weight. ...Rs. 560 *plus* Rs. 50 for every additional 500 lbs. or part thereof, above 18,000 lbs :

Provided that where a vehicle for transport of goods is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) or clause (c) or clause (d) or clause (e), above, as the case may be, for such vehicle."

The Calcutta University Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 986L., of the Legislative Department, dated the 28th June 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 29th June 1951.]

West Bengal Act XVIII of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 29th June, 1951.]

An Act to provide for the reorganisation of the University of Calcutta and for certain matters connected therewith.

Preamble.—WHEREAS it is expedient to reorganise the University of Calcutta so that it may effectively function as a teaching University and continue to exercise due control over the Colleges ;

AND WHEREAS it is also expedient to foster the development of academic life and corporate unity in the Colleges by so promoting co-operation among them as to utilise to the full the teaching resources available ;

AND WHEREAS it is also expedient to encourage the co-ordination of resources for higher teaching and research at suitable centres in and outside Calcutta ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title and commencement.*— (1) This Act may be called the Calcutta University Act, 1951.

(2) This section shall come into force at once ; the rest of this Act shall come into force on such date or dates as the State Government may by notification in the *Official Gazette* appoint, and different dates may be appointed for different provisions of this Act.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Affiliated College" means a College affiliated to the University of Calcutta as constituted prior to the appointed day of this Act or affiliated to the University under this Act ;

(b) "appointed day" means the date referred to in sub-section (4) of section 52 ;

(c) "Constituent College" means a College in which instruction is provided under prescribed conditions for honours as well as for post-gradu-

ate courses of study and which is recognised under this Act as a Constituent College :

Provided that if any professional subject, no honours courses of study have been prescribed, a Professional College may be a Constituent College although no instruction is provided in that College for honours courses of study in that subject ;

(d) "Hall" means a unit of residence for students maintained by the University ;

(e) "Hostel" means a unit of residence for students, not maintained by the University but recognised under this Act as a Hostel ;

(f) "Minister" means the Minister-in-Charge of the Department of Education of the Government of West Bengal ;

(g) "prescribed" means prescribed by Statutes or Ordinances, or Regulations ;

(h) "Principal" means the head of a College by whatever name called;

(i) "Professional College" means a College in which instruction is provided only for courses of study leading to any degree of the University in any professional subject and which is recognised as a Professional College under this Act ;

Explanation.—In this Act "professional subject" means any of the following subjects, namely, law, medicine, engineering, education, technology, agriculture, journalism, commerce or any other subject prescribed by Statutes in this behalf ;

(j) "registered graduates" means graduates registered under this Act, or the Indian Universities Act, 1904 (VIII of 1904.)

(k) "Statutes", "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University made under this Act and they shall be deemed to be rules within the meaning of clause (36) of section 3 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899.)

(l) "Teacher" means a Professor, Reader, Lecturer or any other person holding a teaching post, appointed or recognised by the University or appointed by a College ;

(m) "Teacher of the University" means a Professor, Reader, Lecturer or any other person holding a teaching post, appointed or recognised by the University ;

(n) "the University" means the University of Calcutta as constituted under this Act ;

(o) "University College" means a College, or an institute or a College combined with an institute maintained by the University whether instituted by it or not ;

(p) "University Laboratory" means a laboratory maintained by the University, whether instituted by it or not ;

(q) "University Professor", "University Reader" or "University Lecturer" means a Professor, Reader or Lecturer appointed or recognised as such by the University.

CHAPTER II.

THE UNIVERSITY AND ITS OFFICERS AND AUTHORITIES.

3. *The University.*—(1) The first Chancellor and Vice-Chancellor of the University and the first members of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership shall on and from the appointed day constitute a body corporate by the

name of the University of Calcutta.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the University of Calcutta.

4. *Powers.*—The University shall have the following powers, namely :—

(1) to provide for instruction and training in such branches of learning as it may think fit and to make provision for research and for the advancement and dissemination of knowledge ;

(2) to establish, maintain and manage institutions for study and research ;

(3) to make such provision as will enable Colleges to undertake specialisation of studies and to organise common laboratories, libraries, museums and other equipment for research work ;

(4) to institute Professorships, Readerships, Lectureships and any other teaching posts required by the University and to appoint persons to such Professorships, Readerships, Lectureships or other teaching posts or to recognise persons as such Professors, Readers, Lecturers or holders of other teaching posts ;

(5) to institute degrees, titles, diplomas and other academic distinctions ;

(6) to hold examinations and to confer degrees, titles, diplomas and other academic distinctions on persons who—

(a) shall have pursued an approved course of study in an Affiliated, Constituent, Professional or University College or a University Laboratory, unless exempted therefrom in the manner prescribed by the Statutes and shall have passed the prescribed examinations of the University, or

(b) shall have carried on research under conditions prescribed ;

(7) to confer honorary degrees or other distinctions under conditions prescribed ;

(8) to recognise Colleges as Constituent or Professional Colleges and to withdraw recognition from such Colleges and to institute, maintain and manage University Colleges and University Laboratories ;

(9) to affiliate to itself Colleges, to allow Colleges affiliated to the University of Calcutta as constituted prior to the appointed day to continue to exercise the rights and privileges conferred on them by such affiliation and any further privileges conferred by or under this Act and to withdraw affiliation from such Colleges ;

(10) to establish, maintain and manage Halls, to recognise Hostels and to withdraw recognition therefrom ;

(11) to hold and manage endowments and to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes ;

(12) to fix fees or other charges and to demand and receive such fees or other charges as may be prescribed ;

(13) to make grants from the University fund for the maintenance of the National Cadet Corps ;

(14) to provide for the promotion of the health and welfare of students and to exercise such supervision and control as will secure their discipline, health and well-being ;

(15) to co-operate with other Universities and other educational authorities in such manner and for such purposes as the University may determine ;

(16) generally to do all such other acts and things as may be necessary or desirable to further the objects of the University as a teaching and examining body and a research organisation and to cultivate and promote arts, science and other branches of learning ;

(17) to acquire, hold or dispose of property, movable or immovable, for furthering any of the objects specified above, as may be necessary ; and

(18) to do all acts or things necessary or incidental for any of the objects specified in clauses (1) to (17).

5. *Disqualification for membership.*—No person shall be qualified for election or nomination as a member of the authorities of the University if he

(a) is at the time of the election or nomination of unsound mind or a deaf-mute ; or

(b) is an undischarged insolvent ; or

(c) has been convicted by a court of law for an offence which involves moral turpitude.

In case of dispute or doubt, the Syndicate shall determine whether a person is disqualified under this section and its decision shall be final.

6. *Inspection.*—(1) (a) The State Government shall have the right to cause an inspection to be made, by such person or persons as it may direct, of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipment and of any institution maintained by the University and of all activities other than purely academic activities of the University and to cause an enquiry to be made into the income, expenditure, assets and liabilities of the University.

(b) The State Government shall in every case give notice to the University of its intention to cause such inspection or enquiry to be made.

(2) The State Government shall communicate to the Syndicate its views with reference to the results of such inspection or enquiry and may, after ascertaining the opinion of the Senate and Syndicate thereon, advice the University upon the action to be taken.

(3) The Syndicate shall report to the State Government the action, if any, which is proposed to be taken or has been taken to give effect to the advice of the State Government. Such report shall be submitted with the opinion of the Senate thereon and within such time as the State Government may direct.

(4) The State Government may, after considering the report referred to in sub-section (3), advise the University to take such further action, if any, as in the opinion of the State Government is necessary, and the Senate and the Syndicate shall take or cause such action to be taken within the time specified in such advice in that behalf.

7. *Officers of the University.*—The following shall be the officers of the University :—

(1) The Chancellor.

(2) The Vice-Chancellor.

(3) The Treasurer.

(4) The Registrar.

(5) Such other person as may be declared by the Statutes to be officers of the University.

8. *Chancellor.*—(1) The Governor of West Bengal shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate including any Convocation of the University.

(2) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

(3) Where power is conferred upon the Chancellor to nominate persons to authorities, the Chancellor shall, to the extent necessary, nominate persons to represent interests not otherwise adequately represented.

(4) Every proposal to confer any honorary degree shall be subject to the confirmation of the Chancellor.

9. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor in consultation with the Minister from among three persons recommended by the Syndicate of whom not more than one shall be a member of the Syndicate. He shall hold office for a term of four years and be paid from the University fund a consolidated salary of two thousand and five hundred rupees *per mensem* inclusive of allowances.

(2) (a) If the Vice-Chancellor is by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) if a vacancy occurs in the office of the Vice-Chancellor by reason of his resignation or death or by reason of the expiration of his term of office, then pending the appointment of a new Vice-Chancellor the Syndicate shall, subject to the approval of the Chancellor, appoint a member of the Senate to exercise the powers and perform the duties of the Vice Chancellor.

10. *Powers and duties of the Vice-Chancellor.*—(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at meetings of the Senate including any Convocation of the University. He shall be a member *ex-officio* and Chairman of the Syndicate and of the Academic Council and shall be entitled to be present at and to address any meeting of any authority of the University but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, Ordinances and Regulations are faithfully observed and he may exercise all powers necessary for this purpose.

(3) The Vice-Chancellor shall have powers to convene meetings of the Senate and Syndicate and the Academic Council.

(4) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action as he deems necessary and shall at the earliest opportunity report his action to the authority which would have ordinarily dealt with the matter.

(5) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding appointment, dismissal and suspension of the Teachers and other employees of the University and its servants and shall exercise general control over the affairs of the University.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by Statutes and Ordinances.

11. *The Treasurer.*—(1) The Treasurer shall be appointed by the Chancellor upon such conditions and for such period and on such remuneration, if any, from the University fund, as the Syndicate may deem fit.

(2) (a) If the Treasurer is by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) if a vacancy occurs in the office of the Treasurer by reason of his

resignation or death or by reason of the expiration of his term of office, then pending the appointment of a new Treasurer the Syndicate shall, subject to the approval of the Chancellor, appoint a person to exercise the powers and perform the duties of the Treasurer.

12. *Powers and duties of the Treasurer.*—(1) The Treasurer shall exercise general supervision over the University fund and advise in regard to its financial policy.

(2) The Treasurer shall be an *ex-officio* member of the Senate and the Syndicate and shall, subject to the control of the Syndicate, manage the property and investments of the University. He shall be responsible for the presentation of the annual financial estimate and the Annual Accounts as prepared by the Syndicate.

(3) Subject to the powers of the Syndicate, the Treasurer shall be responsible for seeing that all monies are expended for the purpose for which they are granted or allotted.

(4) Save as may be otherwise prescribed, all contracts shall be signed by the Treasurer on behalf of the University.

(5) The Treasurer shall exercise such other powers as may be prescribed by Statutes and Ordinances.

13. *The Registrar.*—The Registrar shall be a whole-time paid officer of the University appointed by the Syndicate, with the approval of the Chancellor, for such period and on such terms as may be prescribed by Statutes. The Registrar shall exercise such powers and perform such duties as may be prescribed.

14. *Other officers.*—The powers and duties of officers of the University, other than the Chancellor, the Vice Chancellor, the Treasurer and the Registrar, shall be prescribed by Statutes and Ordinances

15. *Authorities of the University.*—The following shall be authorities of the University :—

(1) The Senate.
(2) The Syndicate.
(3) The Finance Committee.
(4) The Academic Council.
(5) The Faculties.
(6) The Boards of Studies.
(7) The Board of Health
(8) The Board of Residence and discipline.
(9) Such other bodies as may be declared by Statutes to be authorities of the University.

CHAPTER III.

THE SENATE.

16. *The Senate.*—(1) The Senate shall consist of the following members, namely :—

Ex officio members.

(i) the Chancellor ;
(ii) Vice-Chancellor ;
(iii) the Treasurer ;
(iv) the Director of Public Instruction, West Bengal ;
(v) the President, Board of Secondary Education, West Bengal ;
(vi) University Professors ;
(vii) University Readers who are heads of departments of teaching ;
(viii) the President, Bangiya Sahitya Parisad ;
(ix) the Director, Bose Institute ;

(x) the President, Indian Association for the Cultivation of Science ;
(xi) the President, National Council of Education ;
(xii) the President, Royal Asiatic Society of Bengal ;
(xiii) the President, Vangiya Sanskrita Siksha Parishat ;
(xiv) the Chairman, West Bengal Board of Madrassa Education ;

Life members.

(xv) such number of persons not exceeding five as may be nominated by the Chancellor, to be Life Members on the ground that they have rendered eminent services to the cause of education ;

Other members.

(xvi) three persons elected by the Principals of Constituent Colleges (not being Professional Colleges) from among themselves ;

(xvii) ten persons, of whom one at least shall be a woman, elected by the Principals of Affiliated Colleges from among themselves ;

(xviii) seven persons elected by the Principals of Professional Colleges from among themselves ;

(xix) fifteen persons, of whom at least five shall be University Readers who are not heads of departments of teaching or heads of departments of teaching, elected by the Teachers of the University from among themselves.

(xx) three persons elected by the Teachers of Constituent Colleges (not being Professional Colleges) from among themselves ;

(xxi) seven persons, of whom one at least shall be a woman, elected by the Teachers of Affiliated Colleges from among themselves ;

(xxii) ten persons, of whom at least two shall be Teachers of Engineering Colleges, elected by the Teachers of Professional Colleges from among themselves ;

(xxiii) two persons elected by the members of the Governing Bodies of Colleges situated within Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923 (Ben. Act III of 1923), from among themselves ;

(xxiv) two persons elected by the members of the Governing Bodies of the Colleges situated within the Presidency Division of West Bengal [excluding Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923] from among themselves ;

(xxv) two persons elected by the members of the Governing Bodies of the Colleges situated in the Burdwan Division of West Bengal from among themselves ;

(xxvi) two persons elected by the members of the Legislative Assembly of West Bengal from among themselves ;

(xxvii) one person elected by the members of the Legislative Council of West Bengal from among themselves ;

(xxviii) twenty-five persons of whom at least five shall be graduates in Medicine and at least five graduates in Engineering, elected by the registered graduates from among themselves ;

(xxix) fifteen persons nominated by the Chancellor to secure the representation of the Professions, Industry, Agriculture, Commerce, Scientific or Technical Societies and persons eminent in Literature, Science, Fine Arts and Music.

(2) Notwithstanding anything contained in clause (j) of section 2, for the purpose of the first election under clause (xxviii) of sub-section (1), a registered graduate means—

(a) a graduate registered under the Indian Universities Act, 1904

(Act VIII of 1904),

(b) (i) a person who holds the degree of a Master or a higher degree of the University of Calcutta as constituted prior to the appointed day, or

(ii) a graduate of the said University of at least three years' standing,

who has paid a subscription of three rupees for the enrolment as a registered graduate for the purpose of the first election under clause (xxviii) of sub-section (1) and has been enrolled as such.

(3) No person shall be entitled to stand as a candidate for, or exercise his vote at, election from more than one of the electoral bodies referred to in sub-section (1).

(4) Save as otherwise provided, an elected or nominated member of the Senate shall hold office for a period of three years from the date of his election or nomination, as the case may be:

Provided, however, that no member elected in his capacity as a member of a particular electorate shall hold office for a longer period than three months after he has ceased to be such member unless meanwhile he again becomes a member of that electorate.

(5) When a person ceases to be a member of the Senate he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

17. *Senate to be the supreme Governing Body.*—The Senate shall be the supreme Governing Body of the University, and shall have power to review the action of the Syndicate and the Academic Council, save where the Syndicate or the Academic Council has acted in accordance with the powers conferred on them by or under this Act. The Senate shall exercise all powers of the University not otherwise specifically provided for and all powers which are necessary to give effect to the provisions of this Act:

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with the powers conferred on them by or under the provisions of this Act, the question shall be decided by reference to the Chancellor whose decision shall be final.

18. *Powers and duties of the Senate.*—In particular and without prejudice to the generality of the powers conferred by section 17, the Senate shall have the following powers :—

(1) to make Statutes and amend or repeal the same ;

(2) to modify or cancel Ordinances and Regulations as hereinafter provided ;

(3) to issue directives to the Syndicate to amend or repeal Ordinances ;

(4) to issue directives to the Academic Council to amend or repeal Regulations as hereinafter provided ;

(5) to make, after considering the views of the Academic Council, such provision as will enable Affiliated, Constituent, Professional and University Colleges to undertake specialisation of studies and to organise common laboratories, libraries, museums and other equipment for research work ;

(6) to provide, after considering the views of the Academic Council, for instruction and training in such branches of learning as it may think fit ;

(7) to institute and maintain University Colleges and University Laboratories and to prescribe after considering the views of the Academic

Council the conditions of recognition of Constituent and Professional Colleges, and to withdraw recognition therefrom after considering the views of the Syndicate;

(8) to prescribe after considering the views of the Academic Council, the conditions of affiliation of Colleges to the University, to allow Colleges affiliated to the University of Calcutta, as constituted prior to the appointed day to continue to exercise the rights and privileges conferred on them by such affiliation and any further privileges conferred by or under this Act and to withdraw affiliation from such Colleges, after considering the views of the Syndicate;

(9) to institute, after considering the views of the Syndicate and the Academic Council, Professorships, Readerships, Lectureships, and any other teaching posts required by the University, to create posts of employees of the University, to prescribe the terms and conditions of service for such posts and to abolish any such post, if necessary;

(10) to establish, equip and maintain libraries, museums and institutes of research;

(11) to provide, after considering the views of the Academic Council for such lectures and instruction for students of the Affiliated, Constituent, Professional and University Colleges and University Laboratories as the Senate may determine and also to provide for lectures and instruction to persons not being students of the University and to grant diplomas, certificates and other academic distinctions to them;

(12) to institute degrees, titles, diplomas, certificates and other academic distinctions;

(13) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—

(a) shall have pursued an approved course of study in an Affiliated, Constituent, Professional or University College or a University Laboratory or have been exempted therefrom in the manner prescribed by Statutes and shall have passed the prescribed examinations of the University, or

(b) shall have carried on research under conditions prescribed;

(14) to confer honorary degrees or other distinctions on the recommendation of not less than two-thirds of the members of the Syndicate;

(15) to establish and maintain Halls and to prescribe conditions for the recognition of Hostels;

(16) to institute, after considering the views of the Academic Council, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;

(17) to prescribe the fees or charges for admission to the examinations, degrees and diplomas of the University, for the registration of the graduates and for any other purposes specified in section 4;

(18) to consider and take such action as it may deem fit on the Annual Report, the Annual Accounts and the annual financial estimates;

(19) to enter into any agreement with any Government or with a private management for assuming the management of any institution and for taking over its properties including its liabilities or for any other purpose not repugnant to the provisions of this Act;

(20) to make Statutes regulating the methods of election to the authorities of the University and the procedure at meetings of the Senate, the Syndicate, the Academic Council and other authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate;

(21) to co-operate with other Universities and other bodies in such manner and for such purposes as it may determine ;

(22) to delegate such of its powers as it may deem fit to any authority or officer of the University.

19. *Meetings of the Senate.*—(1) The Senate shall meet at least twice a year on dates to be fixed by the Vice-Chancellor. One of such meetings shall be held in January and shall be called the Annual Meeting. The Senate may also meet at such other times as it may, from time to time, determine.

(2) Thirty-five members of the Senate shall be a quorum for a meeting of the Senate :

Provided that such quorum shall not be required at a convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other academic distinctions.

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than thirty-five members of the Senate, convene a special meeting of the Senate.

CHAPTER IV.

THE SYNDICATE AND THE FINANCE COMMITTEE.

20. *The Syndicate.*—(1) The Syndicate shall consist of the following members, namely :—

Ex-officio Members.

(i) the Vice-Chancellor ;

(ii) The Treasurer ;

(iii) the Director of Public Instruction, West Bengal ;

(iv) the President, Board of Secondary Education, West Bengal ;

(v) the Deans of the Faculties of Arts, Science, Law, Medicine and Engineering ;

Other Members.

(vi) one Dean of a Faculty, other than the Faculties mentioned in clause (v), appointed by rotation as provided by Statutes ;

(vii) eight persons who are not Teachers elected by the Senate from among its members ;

(viii) four persons elected by the Academic Council from among its members of whom at least one shall be a Principal of a Professional College and one a Principal of an Affiliated College ;

(ix) one Principal of a Constituent College (not being a Professional College) elected by the Academic Council from among its members.

(2) No person shall be entitled to stand as a candidate for, or to exercise his vote at, election from more than one of the electoral bodies referred to in sub-section (1).

(3) A member other than an *ex-officio* member shall hold office for a period of three years from the date of his election provided that a member elected in his capacity as a member of a particular body shall hold office so long only within that period as he continues to be a member of that body.

(4) When a person ceases to be a member of the Syndicate he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Syndicate.

21. *Powers of the Syndicate.*—The Syndicate shall have the following powers, namely :—

(a) to make Ordinances and amend or repeal the same :

Provided that in amending or repealing an Ordinance, the directive of the Senate, if any, shall be followed ;

(b) to direct the form, custody and use of the common seal of the University ;

(c) to hold, control and administer the properties and funds of the University ;

(d) to administer all properties and funds placed at the disposal of the University for specific purposes ;

(e) to frame, on the recommendation of the Finance Committee, the financial estimates of the University and submit the same to the Senate ;

(f) save as otherwise provided, to give effect to all the provisions of this Act, the Statutes, Ordinances and Regulations ;

(g) subject to the provisions of this Act and the Statutes, to appoint the Teachers and other employees of the University, fix other emoluments if any, define their duties and the conditions of their service, and provide for the filling up of temporary vacancies ;

(h) to suspend or discharge or dismiss in accordance with the provisions contained in the Statutes, the Teachers and other employees of the University ;

(i) to accept endowments, bequests, donations and transfers of any movable or immovable properties to the University on its behalf, subject to the approval of the Senate ;

(j) to affiliate Colleges to the University, to recognise Constituent or Professional Colleges and Hostels in accordance with the Statutes ;

(k) to arrange for and direct the inspection of Colleges, University Laboratories, Halls and Hostels ;

(l) to prescribe after considering the views of the Academic Council the qualifications of Teachers ;

(m) to award fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes in accordance with the Statutes ;

(n) to collect such fees or charges as may be prescribed by Statutes ;

(o) to conduct the University examinations and approve and publish the results thereof in accordance with the provisions of the Statutes and Regulations ;

(p) to make Ordinances regarding the admission of students to the University ;

(q) to appoint examiners after considering all the recommendations of the Boards of Studies and to fix their remuneration in accordance with the provisions of the Ordinances ;

(r) to provide for the promotion of health and welfare of the students and to exercise such supervision and control as will secure their discipline, health and well-being ;

(s) to manange University Colleges, University Laboratories, libraries, museums, institutes of research and other institutions maintained by the University ;

(t) to manage in accordance with the Statutes, Halls maintained by the University ;

(u) to manage any Press Establishment, Publication Bureau or Employment Bureau of the University and to exercise general supervision over Students' Unions, University Extension Boards, University Atheletic Clubs or other bodies instituted by the University ;

(v) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, or the Statutes, Ordinances or Regulations; and

(w) to delegate any of its powers to the Vice-Chancellor or to a Committee constituted from amongst its own members, or to a Committee appointed in accordance with the Statutes.

22. *Annual Report.*—The Annual Report of the University shall be prepared by the Syndicate and shall be forwarded to the members of the Senate in the manner prescribed by the Statutes and shall be considered by the Senate at its next Annual Meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which shall take action in accordance therewith. The Syndicate shall inform the Senate the action taken by it. A copy of the report with a copy of the resolutions thereon, if any, of the Senate shall be submitted to the Chancellor for information.

23. *Annual Accounts.*—(1) The Annual Accounts of the University as prepared by the Finance Committee shall, after examination by the Syndicate, be subjected to such examination and audit as the State Government may direct.

(2) The accounts when audited shall be published by the Syndicate in the *Official Gazette* and copies thereof shall, together with copies of the audit report, be submitted to the Senate and to the State Government.

(3) The University shall have a continuous internal audit and the report of such audit shall be submitted to the State Government as soon as possible after the end of every financial year of the University.

Explanation.—In this section, "financial year of the University" means the year ending on the 30th day of June.

(4) The Syndicate shall prepare on the recommendation of the Finance Committee before such date as may be prescribed by Statutes, the annual financial estimates.

(5) The Annual Accounts and the annual financial estimates prepared by the Syndicate shall be presented to the Senate by the Treasurer at its annual meeting and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

24. *Finance Committee.*—There shall be a Finance Committee with the Treasurer as the Chairman. The constitutions and powers of the Finance Committee shall be prescribed by Statutes.

CHAPTER V.

THE ACADEMIC COUNCIL, THE FACULTIES, THE BOARDS OF STUDIES AND OTHER AUTHORITIES.

25. *The Academic Council.*—The Academic Council shall be the academic authority of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of teaching, research and examinations within the University and be responsible for the maintenance of the standards thereto and shall exercise such other powers and perform such other duties as may be prescribed.

26. *Constitution of the Academic Council.*—(1) The Academic Council shall consist of the following members, namely:—

Ex-officio *Members*

(i) the Deans of the Faculties;

(ii) the Director of Public Instruction, West Bengal;

(iii) the President, Board of Secondary Education, West Bengal ;
(iv) University Professors ;
(v) University Readers who are heads of departments of teaching ;
(vi) Principals of Constituent Colleges.

Other Members

(vii) four persons, elected by the Principals of Affiliated Colleges from among themselves ;

(viii) two persons, elected by the Principals of Professional Colleges (not being Constituent Colleges) from among themselves ;

(ix) three persons, not being Principals, elected by the Teachers of Constituent Colleges (not being Professional Colleges) from among themselves ;

(x) four persons, not being Principals, elected by the Teachers of Affiliated Colleges from among themselves ;

(xi) eight persons who are not Teachers elected by the Senate from among its members.

(2) No person shall be entitled to stand as a candidate for, or to exercise his vote at, election from more than one of the electoral bodies referred to in sub-section (1).

(3) A member other than an *ex-officio* member shall hold office for a period of three years from the date of his election provided that a member elected in his capacity as a member of a particular body shall hold office so long only within that period as he continues to be a member of that body.

(4) When a person ceases to be a member of the Academic Council he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Academic Council.

27. *Powers of the Academic Council.*—Subject to the provisions of this Act, the Academic Council shall have the following powers, namely :—

(a) to make Regulations and amend or repeal the same :

Provided that in amending or repealing any Regulation which involves any question of general administration or in giving effect to which expenditure of money would be necessary, the directive of the Senate, if any, shall be followed ;

(b) to advice the Senate and the Syndicate on all academic matters ;

(c) to constitute Faculties in Arts, Science, Law, Medicine, Engineering, Technology, Education, Fine Arts and Music, Agriculture, Commerce and such other subjects as may be prescribed ;

(d) to make proposals to the Senate and the Syndicate for the institution of Professorships, Readerships, Lectureships or other teaching posts and in regard to the duties and emoluments thereof ;

(e) to make Regulations regarding the courses of study and the division of subjects ;

(f) to prescribe examinations which are to be recognised as equivalent to University examinations ;

(g) to make Regulations for the encouragement of co-operation and reciprocity among Colleges and University Laboratories so as to foster the development of academic life and to utilise the teaching resources available ;

(h) to make Regulations regarding the conduct of University examinations and the conditions on which students of Affiliated, Constituent, Professional or University Colleges or University Laboratories may be

admitted to the different courses of studies and examinations of the University ;

(i) to make proposals to the Syndicate for the framing of Ordinances for the management of University Colleges, University Laboratories, Halls, libraries, museums, institutes of research and other institutions maintained by the University ;

(j) to recommend to the Senate schemes for the constitution or reconstitution of departments of teaching ;

(k) to make proposals for the promotion of research within the University and to call for reports on such research from the persons engaged therein and to make recommendations to the Senate and Syndicate thereon ;

(l) to advice the Senate regarding the conditions to be fulfilled by Colleges seeking recognition as Constituent Colleges or affiliation as Affiliated Colleges ;

(m) to advice the Syndicate regarding the qualifications to be prescribed for Teachers ;

(n) to appoint members to the Boards of Studies ; and

(o) to appoint a Standing Committee, of which not less than one-third shall be such members of the Academic Council as are Principals or Teachers of Affiliated Colleges and to delegate to it such of its powers as it may deem fit.

28. *The Faculties.*—The University shall include Faculties of Arts, Science, Law, Medicine, Engineering, Technology, Education, Fine Arts and Music Agriculture, Commerce and such other Faculties as may be prescribed by the Statutes and the Regulations Each Faculty may comprise such departments of teaching as may be prescribed by the Regulations. The head of each such department shall be nominated by the Vice-Chancellor in accordance with Regulations made in this behalf. The constitution and functions of the Faculties shall in all other respects be prescribed by the Regulations :

Provided that not less than one-third of the total number of members of every Faculty shall be members of the Academic Council.

29. *Deans of Faculties.*—(1) There shall be a Dean of each Faculty who shall be elected by the Faculty in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) The Dean of each Faculty shall be responsible for the due observance by such Faculty of the Statutes, Ordinances and Regulations relating thereto.

(3) The Dean shall hold office as a Dean for such term as may be prescribed by the Statutes.

30. *Boards of Studies.*—There shall be Boards of Studies attached to each Faculty. The constitution, powers and duties of the Boards of Studies shall be prescribed by Statutes.

31. *Board of Health and Board of Residence and Discipline.*—There shall be a Board of Health and a Board of Residence and Discipline. The constitution, powers and duties of the Board of Health and of the Board of Residence and Discipline shall be prescribed by Statutes.

32. *Constitution of other bodies.*—The constitution, powers and duties of such other bodies as may be declared by the Statutes to be the authorities of the University shall be provided for in the manner prescribed.

CHAPTER VI

STATUTES, ORDINANCES AND REGULATIONS.

33. *Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(a) the constitution, powers and duties of the authorities of the University ;

(b) the conditions of affiliation of Colleges to the University, the recognition of Constituent and Professional Colleges and of Hostels ;

(c) the institution and maintenance of University Colleges, University Laboratories, libraries, museums and Halls ;

(d) the powers, duties, terms and conditions of service of the officers of the University, other than the Chancellor ;

(e) the holding of Convocations to confer degrees ;

(f) the conferment of honorary degrees ;

(g) the administration of endowments and the institution and conditions of award of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes ;

(h) the classification and the mode of appointment and of suspension and dismissal of Teachers of the University ;

(i) the institution of provident or other funds for the benefit of the Teachers and other employees of the University or its servants ;

(j) the maintenance of a register of registered graduates ; and

(k) all matters which by this Act may be prescribed or provided by the Statutes.

34. *How Statutes to be made.*—(1) The Senate may of its own motion take into consideration the draft of any Statutes, provided that in any case before such Statute is passed affecting the powers or duties of any officer or authority, the opinion of the Syndicate and a report from the person or authority concerned have been taken into consideration by the Senate.

(2) The Syndicate may propose to the Senate the draft of any Statute Such draft shall be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or may return it to the Syndicate for consideration either in whole or in part, together with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

(3) The Syndicate shall not propose the draft of or approve the proposal of framing any Statute or of amendment to a Statute—

(a) affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal ; any opinion so expressed shall be in writing and shall be considered by the Senate and if there be any disagreement between the Senate and the Syndicate shall be submitted by the Senate to the Chancellor who may refer it back to either or both of the disagreeing authorities for further consideration ; or

(b) affecting the conditions of affiliation of Affiliated Colleges or of recognition of Hostels except after consultation with the Academic Council.

(4) Where the draft of a Statute proposed by the Senate is not found acceptable to the Syndicate or any other authority whose functions, powers or duties are affected by the draft Statute, or where a draft of a Statute proposed by the Syndicate is rejected by the Senate after its reconsideration by the Syndicate on the same having been returned to the

Syndicate in terms of sub-section (2), the same shall be submitted to the Chancellor, who may refer the draft Statute back to the Senate, the Syndicate or authority affected thereby for further consideration and if after further consideration no agreement be reached, the Chancellor may approve of the draft, if it is not inconsistent with any of the provisions of this Act, or may withhold his approval.

(5) A Statute passed by the Senate shall have no validity until it has been assented to by the Chancellor, in consultation with the Minister.

35. *Ordinances.*—Subject to the provisions of this Act, and the Statutes, the Syndicate may make Ordinances providing for all or any of the following matters, namely :—

(a) the admission of students to the University and their enrolment as such and the levy of fees in University Colleges and University Laboratories ;

(b) the conditions of residence of the students of the University and the levy of fees for residence in Halls ;

(c) the qualifications, emoluments and conditions of service of Teachers of the University ;

(d) the qualifications of Teachers other than Teachers of the University ;

(e) the appointment, duties and remuneration of examiners ;

(f) all matters which by this Act or by Statutes may be provided for by the Ordinances.

36. *How Ordinances to be made.*—(1) In making Ordinances, the Syndicate shall consider the views of—

(i) the Boards of Studies when such Ordinances affect the appointment and duties of the examiners ; and

(ii) the Academic Council (a) when prescribing the qualifications of Teachers, (b) when they affect the conduct or standard of examinations, or (c) when prescribing the conditions of residence of students.

(2) Subject to any direction of the Chancellor as hereinafter stated, all Ordinances made by the Syndicate shall have effect from such date as it may direct. Every Ordinance shall be submitted as soon as may be to the Chancellor and the Senate and shall be considered by the Senate at its next succeeding meeting. The Senate shall have the power, by a resolution passed by a majority of not less than two-thirds of the members present at such a meeting, to cancel or modify any such Ordinance.

(3) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Senate has had an opportunity of considering the same.

37. *Regulations.*—(1) The Academic Council may make Regulations, consistent with this Act and the Statutes, to carry out the duties assigned to it thereunder.

(2) All such Regulations shall have effect from such date as the Academic Council may direct. Every Regulation shall be submitted, as soon as may be, to the Senate who shall consider it at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such a meeting, to cancel or modify any such Regulation.

CHAPTER VII

ADMISSION AND RESIDENCE OF STUDENTS.

38. *Residence and Hostels.*—Every student of the University shall reside in a Hall or Hostel or under such other conditions as may be pres-

cribed.

39. *Colleges and Hostels.*—(1) The Senate shall have power to suspend or withdraw the recognition or affiliation of any College which in the opinion of the Senate is not being conducted in accordance with the conditions prescribed, provided that no such action shall be taken in this matter without considering the views of the Syndicate and without affording the management of such College an opportunity of making such representation as it may deem fit.

(2) The Syndicate shall have power to suspend or withdraw the recognition of any Hostel which is not being conducted in accordance with the conditions prescribed, provided that no such action shall be taken without affording the management of such Hostel an opportunity of making such representation as it may deem fit.

40. *Admission to the University courses.*—(1) A person shall be eligible for admission to a course of study in the University if he has passed the Final Examination held by the Board of Secondary Education, West Bengal, or an examination recognised under the Regulations as equivalent thereto, and possesses such further qualications as may be prescribed :

Provided that until the said examination of the Board of Secondary Education is held, a person shall be eligible for admission to a course of study in the University if he has passed the Matriculation Examination of the University or an examination recognised under the Regulations as equivalent thereto.

(2) Students may be admitted to a course of study for a diploma or certificate of the University under such conditions as may be prescribed by Ordinances.

(3) Every candidate for a University examination shall, unless exempted from the provisions of this sub-section by a special order of the Syndicate made on the recommendation of the Academic Council, be enrolled as a member of an Affiliated, Constituent, Professional or University College or a University Laboratory. Any such exemption may be made subject to such conditions as the Syndicate may think fit.

(4) Students exempted under sub-section (3) shall be non-collegiate students of the University.

CHAPTER VIII

General

41. *Filling of casual vacancies* —All vacancies among the members, other than the *ex-officio* members of any authority or other body of the University, shall be filled, within such time as the Vice-Chancellor may direct, by the individual or electorate who nominated or elected the member whose seat has become vacant :

Provided that vacancies arising by efflux of time among elected members of any authority or other body of the University shall be filled by elections to be fixed by the Vice-Chancellor on such dates not later than three months from the dates on which the vacancies arise as he thinks fit.

42. *Proceedings of the University and bodies not invalidated by vacancies.*—No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Explanation.—For the avoidance of doubt it is hereby declared that

where the office of any member of any authority or other body of the University cannot be filled up when such authority or body is constituted for the first time, on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made.

43. *Removal from the membership of the University.*—The Senate may, on the recommendation of not less than two-thirds of the members of the Syndicate, remove with the concurrence of the Chancellor the name of any person from the register of graduates and remove any person from membership of any authority of the University if he has been convicted by a court of law of what in the opinion of the Senate is a serious offence involving moral turpitude, and for the same reasons may withdraw any degree or diploma conferred or granted by the University on such person.

The Senate may also remove any person from the membership of any authority of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated a bankrupt or insolvent.

44. *Disputes as to the constitution of any University Authority.*—If any question arises whether any person is eligible for election or nomination or whether any person has been duly elected or nominated as, or is entitled to be, a member of any authority of the University, the question shall be referred to the Chancellor, whose decision thereon shall be final, and no suit or proceeding shall lie in any court against such decision.

45. *Constitution of Committees.*—All the authorities of the University shall have power to appoint Committees and to delegate to them such of their duties and functions as they deem fit. Such Committees shall, unless there be some provisions in this Act to the contrary, consist of such members of the authority concerned and also of any other person or persons that such authority may think fit to appoint.

46. *Selection Committees for appointing University Professor, Reader and Lecturer.*—(1) Every University Professor shall be appointed on the recommendation of a Selection Committee consisting of—

(a) the Vice-Chanellor who shall be the Chairman of the Committee,

(b) the Dean of the Faculty concerned,

(c) a person having special knowledge of the subject in which the Professor is to impart instruction nominated by the Chancellor, not being a member of any of the authorities of the University, and

(d) two persons nominated by the Syndicate, having special knowledge of the subject in which the Professor is to impart instruction, not being a member of any of the authorities of the University.

(2) Every University Reader and every Lecturer to be appointed by the University shall be appointed on the recommendation of a Selection Committee consisting of

(a) the Vice-Chancellor who shall be the Chairman of the Committee,

(b) the Dean of the Faculty concerned,

(c) the Head of the Department concerned,

(d) a person having special knowledge of the subject in which the Reader or the Lecturer is to impart instruction, nominated by the Chancellor, not being a member of any of the authorities of the University, and

(e) a person nominated by the Syndicate having special knowlege of the subject in which the Reader or the Lecturer is to impart instruction, not being a member of any of the authorities of the University.

(3) If the Syndicate does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee for reconsideration and if the Syndicate does not accept the reconsidered view of the Selection Committee, the matter shall be referred to the Chancellor whose decision shall be final.

(4) Appointments to all other posts of employees of the University carrying a salary not below one hundred rupees, shall be made on the recommendation of a Committee appointed by the Syndicate.

47. *Conditions of service.*—(1) Save as otherwise provided, every salaried Teacher or other employee holding a post carrying a salary not below one hundred rupees of the University shall be appointed under a written contract.

The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the Teacher or the employee concerned.

(2) Every person who immediately before the appointed day was a Teacher or a servant of the University of Calcutta as constituted prior to that date shall on and from that date be deemed to be appointed to the corresponding post under the University on the same terms and conditions on which he was holding the post immediately before such date.

Explanation.—In this section and elsewhere in this Act the expression "employee of the University" does not include the Officers referred to in section 7.

48. *Arbitration Tribunal.*—Any dispute arising out of a contract between the University and any Teacher or other employee of the University holding a post carrying a salary not below one hundred rupees shall, on the request of the Teacher or other employee of the University concerned, be referred to a Tribunal consisting of one member appointed by the Syndicate, one member nominated by the Teacher or the employee of the University concerned, and a President appointed by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration Act, 1940, and all provisions of that Act, with the exception of section 2 thereof, shall apply accordingly.

CHAPTER IX

UNIVERSITY FUND.

49. *Fund of the University.*—The University shall have a fund (elsewhere in this Act referred to as the University fund) to which shall be credited—

(1) its income from fees, fines, endowments and grants, if any; and

(2) any contribution by any Government;

and which shall include all trusts, endowments and grants hitherto created or made in favour of the University.

50. *Contribution by State Government.*—The State Government, on being satisfied with the report submitted to it under sub-section (3) of section 23, shall make a grant every year to the University of not less than rupees sixteen lakhs which shall be credited to the University fund.

CHAPTER X

TRANSITORY PROVISIONS.

51. *Completion of courses for students in Colleges affiliated to the Calcutta University under the previous Act.*—Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any

student of a College affiliated to the University of Calcutta as constituted prior to the appointed day, who was studying for any examination of the said University shall be permitted to complete his course in preparation therefor and the University shall hold for such students examinations in accordance with the curricula of study in force in that University for such period as may be prescribed.

52. *Appointment of the first Vice-Chancellor and his powers.*— (1) The Chancellor shall within three months from the date of the publication of this Act in the *Official Gazette* appoint, in consultation with the Minister, on such terms and conditions as he thinks fit, a person to be the Vice-Chancellor. Such Vice-Chancellor (in this Act referred to as "the first Vice-Chancellor") shall hold office for a period of two years and upon his appointment, the person holding office as the Vice-Chancellor of the University of Calcutta immediately before the date of such appointment, shall vacate his office.

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a Committee consisting of not more than six members nominated by the Chancellor, cause the first Statutes, the first Ordinances and the first Regulations of the University to be framed.

(3) The first Vice-Chancellor shall within six months from the date of his appointment or within such longer period, not exceeding one year from the date of his appointment, as the State Government may, by notification, direct, cause arrangements to be made for constituting the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2), as if they had already come into force.

(4) The State Government shall by notification in the *Official Gazette*, appoint a date, and on and from such date the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) shall come into force and be the first Statutes, the first Ordinances and the first Regulations of the University.

(5) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

(6) On and from the appointed day, Act II of 1857 and the Indian Universities Act, 1904 (VIII of 1904), so far as it applies to the University of Calcutta, shall stand repealed :

Provided that until such repeal references to the Vice-Chancellor under the said Acts shall be deemed to be references to the first Vice-Chancellor.

(7) In construing the provisions of section 16, section 20 and section 26, and in construing the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) in relation to the constitution under this section, of the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University of Calcutta, immediately before the date of the appointment of the first Vice-Chancellor.

(8) The first Vice-Chancellor may, subject to the sanction of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.

(9) The provisions of this section shall have effect notwithstanding anything contained elsewhere in this Act or in any other law.

53. *Removal of difficulties.*—If any difficulty arises as to the first constitution of any authority of the University under this Act, or otherwise in giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it to be necessary for the purpose of removing the difficulty, and such order may provide for the continuance of any authority or officer existing or holding office immediately before the date of the appointment of the first Vice-Chancellor until the corresponding authority or officer is appointed under this Act.

CHAPTER XI

MISCELLANEOUS

54. *Passing of properties and rights to the University as constituted under this Act.*—All properties, all rights of whatever kind used, enjoyed or possessed by and all interests of whatever kind owned by, or vested in, or held in trust by, or for the University of Calcutta as constituted prior to the appointed day as well as all liabilities legally subsisting against the said University shall pass to the University as constituted under this Act.

55. *Provident Fund.*—Where a provident fund has been instituted by the Senate for the benefit of the officers, Teachers or other employees of the University, the provisions of the Provident Funds Act, 1925 (XIX of 1925), shall apply to such fund as if the fund were a Government Provident Fund.

The West Bengal Evacuee Property (Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1467L., of the Legislative Department, dated the 16th October 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 18th October 1951.]

West Bengal Act XX of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, *Extraordinary*, of the 18th October, 1951.]

An Act to amend the West Bengal Evacuee Property Act, 1951.

WHEREAS it is expedient to amend the West Bengal Evacuee Property Act, 1951 (West Ben. Act V of 1951), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Evacuee Property (Amendment) Act, 1951.

(2) It shall come into force immediately on the West Bengal Evacuee Property (Amendment) Ordinance, 1951 (West Ben. Ord. VII of 1951), ceasing to operate.

2. *Amendment of section 5 of West Bengal Act V of 1951.*—In section 5 of the West Bengal Evacuee Property Act, 1951—

(a) in sub-section (2) for the words "Collector may" the words "Collector shall" shall be substituted; and

(b) in sub-section (3) for the brackets, figure and word "(3) Where" the words "Provided that where" shall be substituted.

3. *Savings.*—Any power exercised, any action taken or anything

whatsoever done under any provision of the West Bengal Evacuee Property Act, 1951, as amended by the West Bengal Evacuee Property (Amendment) Ordinance, 1951, shall, on the said Ordinance ceasing to operate, be deemed to have been exercised, taken or done under the said Act as amended by this Act as if this Act had commenced on the 26th day of July, 1951.

The West Bengal Secondary Education (Second Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1469L., of the Legislative Department, dated the 17th October 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 18th October 1951.]

West Bengal Act XXI of 1951.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, *Extraordinary*, of the 18th October, 1951.]

An Act further to amend the West Bengal Secondary Education Act, 1950.

WHEREAS it is expedient further to amend the West Bengal Secondary Education Act, 1950 (West Bengal Act XXXVII of 1950), for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Secondary Education (Second Amendment) Act, 1951.

(2) It shall come into force immediately on the West Bengal Secondary Education (Second Amendment) Ordinance, 1951 (West Ben. Ord. VI of 1951), ceasing to operate.

2. *Amendment of section 37 of West Bengal Act XXXVII of 1950.*—In section 37 of the West Bengal Secondary Education Act, 1950 (hereinafter referred to as the said Act),—

(a) in clause (l) of sub-section (1), for the word "Examinations" the word "Syllabus" shall be substituted,

(b) in clause (m) of sub section (1), for the word "Examinations" the word "Syllabus" shall be substituted, and

(c) for the proviso to sub-section (2), the following sub-section shall be substituted, namely:—

"(3) A High School which prior to the first meeting of the Executive Council is recognised by the University of Calcutta for the purpose of presenting candidates for the Matriculation Examination of the said University shall continue to be recognised in the following manner :—

(a) schools enjoying temporary recognition shall continue to be recognised for the purpose of presenting candidates for the Final Examination of the Board for a period of one year from the date of the first meeting of the Executive Council or until the expiration of the period of recognition whichever is longer ; and

(b) schools enjoying permanent recognition shall continue to be recognised for the purpose of presenting candidates for the Final Examination of the Board for a period of three years from the date of the first meeting of the Executive Council :

Provided that nothing in clause (a) or clause (b) shall be construed as taking away the power of the Executive Council to withdraw, in accordance with the provisions of this Act and the rules, regulations and by-laws made thereunder, the recognition for the purpose of presenting candidates for the Final Examination of the Board before the expiration of the period referred to in clause (a) or clause (b), as the case may be."

3. *Amendment of section 41.*—In section 41 of the said Act,—

(a) in sub-section (1), for the word "regulations" the word "rules" shall be substituted, and

(b) in sub-section (3), for the word "regulations" the word "rules" shall be substituted.

4. *Savings.*—On the West Bengal Secondary Education (Second Amendment) Ordinance, 1951 (West Ben. Ord. VI of 1951), ceasing to operate, section 8 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899), shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

The Siliguri Municipal Commissioners (Extension of Term) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1470L., of the Legislative Department, dated the 17th October 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 18th October, 1951.]

West Bengal Act XXII of 1951

[*Passed by the West Bengal Legislature*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 18th October 1951.]

An Act to provide for the extension of the term of office of the Commissioners of the Siliguri Municipality.

WHEREAS it is expedient to provide for the extension of the term of office of the Commissioners of the Siliguri Municipality ;

It is hereby enacted as follows :—

1. *Short title and commencement* — (1) This Act may be called the Siliguri Municipal Commissioners (Extension of Term) Act, 1951.

(2) It shall come into force immediately on the Siliguri Municipal Commissioners (Extension of Term) Ordinance, 1951 (West Ben. Ord. III of 1951), ceasing to operate.

2. *Extension of the term of office of Commissioners of the Siliguri municipality.* — Notwithstanding anything contained in clause (2) of the proviso to section 16 of the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), and in Notification No. L S-G. 1M-58/49(II), dated the 29th April, 1949, the period of appointment of the Commissioners of the Siliguri municipality under the said Notification shall extend up to the 31st day of December, 1952.

3. *Savings* — On the Siliguri Municipal Commissioners (Extension of Term) Ordinance, 1951, ceasing to operate, section 8 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899), shall apply as if the said Ordinance were an enactment then repealed by a West Bengal Act.

The Motor Vehicles (West Bengal Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1040L., of the Legislative Department, dated the 11th July 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 13th July 1951.]

West Bengal Act XIX of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 13th July, 1951.]

An Act to amend the Motor Vehicles Act, 1939, in its application to West Bengal.

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939 (IV

of 1939), in its application to West Bengal for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Motor Vehicles (West Bengal Amendment) Act, 1951.

2. *Application of Act.*—The Motor Vehicles Act, 1939, hereinafter referred to as the said Act, shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. *Amendment of section 42 of Act IV of 1939.*—In section 42 of the said Act, for clause (a) of sub-section (3), the following shall be substituted, namely :—

"(a) to any transport vehicle owned by or on behalf of the Central Government or a State Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department ;".

4. *Amendment of section 43 of Act IV of 1939.*—To sub section (1) of section 43 of the said Act, the following shall be added, namely :—

"; or

(iii) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under this Act in respect of a transport vehicle or any class of such permits either generally or in any area specified in the notification :

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so :

Provided further that when any such permit has been cancelled, the permit holder shall be entitled to such compensation as may be prescribed; or

(iv) declare that it will engage in the business of road transport service through the State or in such area or on such route within the State as may be specified in the notification."

5. *Amendment of section 44 of Act IV of 1939.*—To sub-section (2) of section 44 of the said Act, the following shall be added, namely :

"Provided that if the State Government so thinks fit the State Transport Authority or a Regional Transport Authority may consist of a single official :

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the State Government employing him has any financial interest in a transport undertaking."

6. *Insertion of new section 44A in Act IV of 1939.*—After section 44 of the said Act, the following shall be inserted, namely :—

"44A. *Transport Officers to exercise notified powers.*—(1) The State Government may by notification in the *Official Gazette* appoint for the State a State Transport Officer and may in like manner appoint for such area within the State as may be specified in the notification, a Regional Transport Officer.

(2) Notwithstanding anything contained in this Act, the State Government may by notification in the *Official Gazette* authorise the State Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification."

7. *Amendment of section 45 of Act IV of 1939.*—To section 45 of the said Act, the following shall be added, namely :

"Provided that the State Government may by notification in the *Official Gazette* direct that applications for such class of permits in such

region as may be specified in the notification shall be made to the State Transport Authority."

8. *Amendment of section 47 of Act IV of 1939.*—In sub-sections (1) and (2) of section 47 of the said Act, after the words "Regional Transport Authority" the words "or the State Transport Authority" shall be inserted.

9. *Amendment of sections 48, 54, 55, 56, 57 and 58 of Act IV of 1939.*—In section 48, clause (d) of section 54, sections 55 and 56, sub sections (2), (3), (4), (5) and (7) of section 57 and sub-section (1) of section 58 of the said Act, after the words "Regional Transport Authority" wherever they occur the words "or the State Transport Authority" shall be inserted.

10. *Insertion of new section 48A in Act IV of 1939.*—After section 48 of the said Act, the following shall be inserted, namely :—

"48A. *Issue of stage carriage permit to Government or local authorities.*—Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or the State Transport Authority shall issue the stage carriage permit applied for, by or on behalf of the State Government or a local authority with the concurrence of the State Government."

11. *Amendment of section 58 of Act IV of 1939.*—To section 58 of the said Act, the following shall be added, namely :—

"(3) Notwithstanding anything contained in sub-section (1), the State Government may order a Regional Transport Authority or the State Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in this Act."

12. *Insertion of new section 58A in Act IV of 1939.* After section 58 of the said Act, the following shall be inserted, namely :—

"58A. *Grant of permit to local authority.*—Notwithstanding anything hereinbefore contained, the State Government may by order direct any Regional Transport Authority or the State Transport Authority to grant a stage carriage permit to the State Government or any local authority specified in the order."

13. *Amendment of section 62 of Act IV of 1939.*—In section 62 of the said Act,—

(i) after the words "Regional Transport Authority" the words "or the State Transport Authority" shall be inserted ;

(ii) after clause (c) the following shall be inserted, namely :—

"; or

(d) pending decision on an application for the grant or renewal of a permit."

14. *Amendment of section 68 of Act IV of 1939.*—After clause (h) of sub-section (2) of section 68 of the said Act, the following shall be inserted, namely :—

"(hh) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle ;".

The Cooch Behar Disturbances Enquiry Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1471L, of the Legislative Department, dated the 17th October 1951 published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 18th October 1951.]

West Bengal Act XXIII of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*,

Extraordinary, of the 18th October, 1951.]

An Act to vest a certain Judicial Officer appointed under a Resolution of the State Government with the powers of a Civil Court while holding an enquiry in pursuance of that Resolution.

WHEREAS it is expedient to vest the Judicial Officer, appointed under Resolution of the Government of West Bengal, in the Home Department No. 2144-Pl., dated the 29th May, 1951, with the powers of a Civil Court, while holding an enquiry in pursuance of that Resolution ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Cooch Behar Disturbances Enquiry Act, 1951.

(2) It shall come into force immediately on the Cooch Behar Disturbances Enquiry Ordinance, 1951 (West Ben. Ord. IV of 1951), ceasing to operate.

2. *Powers of the Judicial Officer appointed under Home Department Resolution No 2144-Pl.*—The Judicial Officer, to wit the Hon'ble Mr. Justice S. N. Guha Ray of the High Court at Calcutta, appointed under Resolution of the Government of West Bengal, in the Home Department No. 2144-Pl., dated the 29th May, 1951, shall, while holding an enquiry in pursuance of that Resolution,

(i) have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480, 481 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and

(ii) shall furthermore have the same powers of dealing with any contempt of himself or in respect of any proceedings before him, as if he were a High Court referred to in article 214 of the Constitution of India.

3. *Statements made by persons to the Judicial Officer.*—Except in a prosecution for giving false evidence, and except as provided in the Indian Evidence Act, 1872 (I of 1872), no statement made by a person in the course of giving evidence before the Judicial Officer referred to in section 2 shall subject such person to, or be used against such person in any civil or criminal proceedings :

Provided that such statement—

(a) is one which the said Judicial Officer permits or requires to be made before him by such person ; and

(b) is relevant to the subject-matter of the enquiry.

4. *Savings.*—Any power exercised, any action taken or anything whatsoever done under any provision of the Cooch Behar Disturbances Enquiry Ordinance, 1951 (West Ben. Ord. IV of 1951), shall, on the said Ordinance ceasing to operate, be deemed to have been exercised, taken or done under the corresponding provision of this Act as if this Act had commenced on the 12th day of June, 1951.

The Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1472L., of the Legislative Department, dated the 17th October 1951, published in the *Calcutta* Extraordinary, Part III, dated the 18th October 1951.]

West Bengal Act XXIV of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*,

Extraordinary, of the 18th October, 1951.]

An Act further to amend the Bengal Finance (Sales Tax) Act, 1941.

WHEREAS it is expedient further to amend the Bengal Finance (Sales Tax) Act, 1941 (Ben. Act VI of 1941) for the purposes and in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.* This Act may be called the Bengal Finance (Sales Tax) (West Bengal Amendment) Act, 1951.

2. *Insertion of new section 3A.* – After section 3 of the Bengal Finance (Sales Tax) Act, 1941, the following section shall be inserted, namely :—

"3A *Additional Commissioner.*—(1) The State Government may appoint a person to be the Additional Commissioner of Commercial Taxes (hereinafter referred to as the Additional Commissioner).

(2) The Additional Commissioner shall have such of the powers and shall be entitled to exercise such of the duties of the Commissioner as the State Government may, by notification in the *Official Gazette*, direct.

(3) References to the Commissioner in this Act, shall, in respect of the powers and duties referred to in sub section (2), be deemed to include references to the Additional Commissioner.

(4) The Commissioner may transfer to, or withdraw to himself from, the Additional Commissioner any case or matter with which the Additional Commissioner is competent to deal in exercise or performance of the powers or duties referred to in sub-section (2).

(5) The Additional Commissioner shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860)."

The University of Calcutta (Matriculation Examination) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the Governor [Vide Notification No. 1555L., of the Legislative Department, dated the 2nd November 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 2nd November 1951.]

West Bengal Act XXX of 1951

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 2nd November, 1951.]

An Act to provide for the discontinuance of the Matriculation Examination of the University of Calcutta.

WHEREAS it is expedient that with effect from the year 1952 the University of Calcutta shall not hold the Matriculation Examination or any examination equivalent thereto ;

It is hereby enacted as follows :—

1. *Short title and commencement.*- (1) This Act may be called the University of Calcutta (Matriculation Examination) Act, 1951.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act,—

(a) "Matriculation Examination" means the examination commonly known as the Matriculation Examination of the University of Calcutta ; and

(b) "University of Calcutta" means—

(i) prior to the appointed day referred to in clause (b) of section 2 of the Calcutta University Act, 1951 (West Ben. Act XVIII of 1951), the

University of Calcutta as constituted under the Calcutta University Act, 1857 (II of 1857), and the Indian Universities Act, 1904 (VIII of 1904),

(ii) and thereafter, the University of Calcutta as constituted under the Calcutta University Act, 1951.

3. *University of Calcutta not to hold Matriculation or equivalent examination and Board of Secondary Education to hold its Final Examination.*— Notwithstanding anything to the contrary in any other law, with effect from the year 1952,—

(i) the University of Calcutta shall not hold or cause to be held the Matriculation Examination, or any other examination equivalent thereto; and

(ii) the Board of Secondary Education shall annually or at such intervals as it thinks fit, hold its Final Examination, qualifying for admission to a course of study instituted by the University of Calcutta.

The Indian Registration (West Bengal Amendment) Act, 1951.

The following Act of the West Bengal Legislature has been assented to by the President [Vide Notification No. 1558L., of the Legislative Department, dated the 2nd November, 1951, published in the *Calcutta Gazette*, Extraordinary, Part III, dated the 2nd November 1951.]

West Bengal Act XXXI of 1951

[*Passed by the West Bengal Legislature*].

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 2nd November, 1951.]

An Act further to amend the Indian Registration Act, 1908 in its application to West Bengal.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908 (XVI of 1908), in its application to West Bengal for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. *Short title and extent.*—(1) This Act may be called the Indian Registration (West Bengal Amendment) Act, 1951.

(2) It extends to the whole of West Bengal.

2. *Substitution of new section for section 55A of Act XVI of 1908.*— For section 55A of the Indian Registration Act, 1908 the following section shall be substituted, namely :—

"55A. *Copies of books and indexes to be as good as original books and indexes in certain cases.*—Notwithstanding anything contained in any other law for the time being in force, copies of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947 in registration offices situate in districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947 (10 & 11 Geo. VI, c. 30), have fallen partly within West Bengal and partly within East Bengal, shall, on being authenticated in such manner as may be prescribed by the Inspector-General, be deemed for the purposes of this Act to have taken the place of, and to be, the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies."

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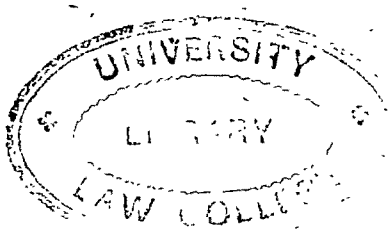
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